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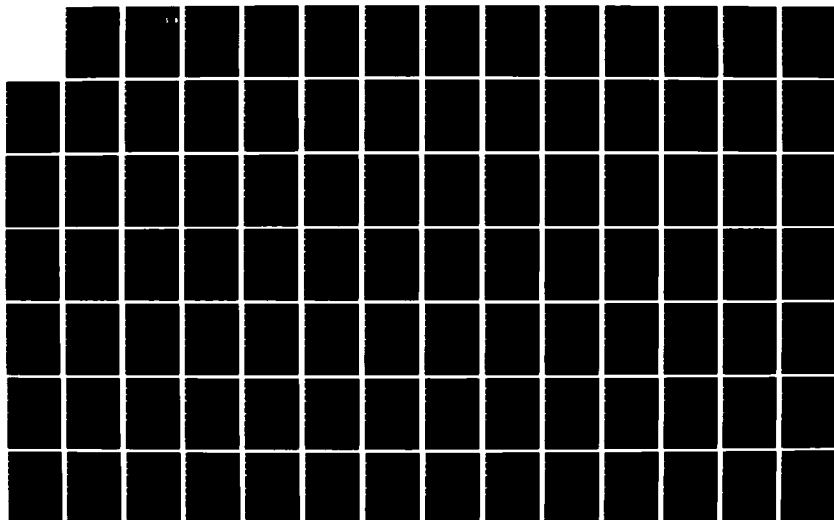
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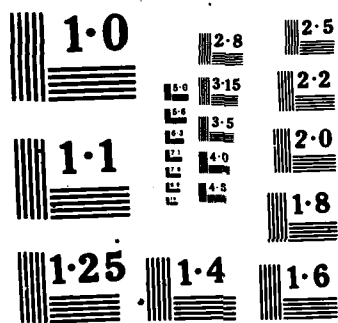
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PROBLEMS IN DEVELOPING MORALLY SOUND
STRATEGY IN LOW-INTENSITY CONFLICT

by

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Major, U.S. Army

March 1986

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Executive Summary of
PROBLEMS IN DEVELOPING MORALLY SOUND STRATEGY
FOR LOW-INTENSITY CONFLICT

The report investigates the impact of moral and ethical values on the success of American military forces in low-intensity conflict. Whether we can win conflicts we are likely to face may depend on whether American forces can fight in accordance with mainstream American values and can maintain in public opinion the perception that they are doing so.

The report analyzes the moral nature of low-intensity conflict from the standpoint of: the moral aspects of American military preparation for such conflicts, in terms of professional traditions, doctrine, force structure, and training; American attitudes about war and how they impact on our combat operations and public opinion; the place of international law in American approaches to such conflicts; the moral posture of the insurgent enemy; the use of terror tactics; and the interactions among the various value systems in the conflict.

Research concentrated on materials in the areas of war and morality, military professionalism, strategy and policy, limited war doctrine, international law, military organization and planning, terrorism, and U.S. limited war experience.

Conclusions reached are that the moral problems of low-intensity conflict are intense enough to affect the success

of military strategy. American forces currently are not professionally developed, trained, or structured to understand or mitigate undesirable moral repercussions of their operations. Traditional American reliance on conventional, massive firepower strategies projects an image of indiscriminate and disproportionate use of military force. American values form attitudes about war that tend to public extremes of pacifistic idealism or aggressive projection of force, making difficult the creation of pragmatic, useful policy and strategy. International law has failed to develop adequate laws of war for the special problems of low-intensity conflict. The insurgent enemy holds virtually all of the "moral cards," using his weakness, secrecy and ideological rhetoric to maintain an appearance of fighting justly while U.S. forces face intense public scrutiny and prejudice. The clash of varying cultural and ideological value systems obscures the strategic wisdom of conducting "small war" operations with restraint and strict moral judgment.

If American forces are to fight successfully in future low-intensity conflict, they must orient force structure and doctrine to allow for low-key intervention. Most importantly, the training and development of junior and senior troop leaders must include the moral implications of the conventional orientation of the force and methods of developing morally sound strategy and tactics.

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PROBLEMS IN DEVELOPING MORALLY SOUND STRATEGY FOR LOW-INTENSITY CONFLICT

SECTION I

INTRODUCTION

The avalanche of ethical arguments spawned by the Vietnam war and current debates about the suitability of American forces for intervention in real and potential conflicts around the world raise questions of the current ability of the United States to wage successful low-intensity warfare. In particular, the unsatisfactory outcome of the Vietnam War and the fact that criticism during and after the war was couched in distinctly "moral" terms indicate that the outcome may have been to a significant extent the result of ethical factors.

The moral criticism, using such terms as unjust war, atrocities, inhumane weapons, war crimes, genocide, massacre, baby-killers, corrupt regimes, and cover-ups, came from a broad spectrum of American institutions and citizens, not a vocal extremity. Since the criticism of that American limited war took on a moral tone, our analysis of other such wars and our ability to conduct them successfully should include ethical considerations.

The connection between morality and policy and strategy may not be apparent to military strategists who are used to leaving political and social considerations to civilian leaders, while they apply the principles of their profession

to the conflict. Yet moral evaluation of military strategy cannot be escaped. General Sir John Hackett, in commenting on WWI allied commanders, tied morality to strategy and operations, through the application or misapplication of the principles of war:

These generals were not all wicked men nor always stupid men, and they were very rarely cowards themselves. Their errors were more those of blindness than malignity. Where they failed was in understanding the techniques of their time; in consequence they could not formulate sound principles, and their handling was faulty.

The loss of millions of lives in a war fought for obscure reasons raised important questions of the moral dimensions of military competence. Whether commanders understand the conflict they are fighting, whether their civilian leaders develop attainable and meaningful political goals, and whether the values of the societies involved in the conflict are integrated into its conduct are all issues inherited by today's strategists.

Today and for the last four decades, most analysts have concentrated on the moral problems of nuclear war; others now are concentrating on terrorism. The moral issues of nuclear war, the most violent end of the spectrum, preoccupied moral philosophers for so long during the 1950's, 1960's and 1970's that a realistic appraisal of the moral issues of limited war was not done. Discussions of the morality of U.S. intervention in the Third World that existed tended to be overshadowed by the fear of escalation to nuclear war. Thus, the prospect of nuclear war may have helped make the limited

wars of the last forty years more frequent or violent than necessary, since the government of the U.S. did not think through its approaches to these wars more carefully.

It may be that the concentration of moral analysis on nuclear war, continuing unabated today in the public forum, did prevent nuclear war. It's more likely, however, that nuclear war has always been a remote possibility, our fears generated more by cold war rhetoric than by true recklessness on either side's part. History probably indicates that limited wars, which have increased for the last forty years with the often energetic participation by the U.S.S.R. or the United States, do not create an increased danger of nuclear war.

It might be argued that modern war is inherently immoral, since nuclear war and terrorism seem to represent only the extremes of the moral problems presented to strategists in all wars--unacceptable noncombatant targeting, death and destruction. It is almost a commonplace among those who think only in shallow terms about war that the term "fighting cleanly" is a contradiction in itself. It is true that nuclear war and terrorism, the extreme and "glamorous" ends of the spectrum, involve similar and apparently insoluble moral problems, and the same problems appear also in small wars. All three forms seem to extend the consequences of total war to new limits. All three forms increase the possibility of unacceptable noncombatant death, as targets or victims. All three forms of conflict present armed forces with

ill-defined battlefields. And, all forms raise serious questions of proportionality; that is, the relative value of the ends fought for may not be worth the horror of the means used. Yet the moral problems are amenable to quite different moral analysis and solutions.

In nuclear war and terrorism the "acceptance" of high collateral damage may require a morally absurd argument. The nuclear attacker argues that he "intends" to avoid civilian deaths through using a counterforce strategy when it is obvious millions of noncombatants will die anyway. The urban terrorist attempts to define away his moral responsibility by arguing that all human beings are "combatants." But the small war strategist need not resort to moral absurdity; he has real choices. Right intent by U.S. policy makers and strategists can have a profound effect on the moral effects of U.S. armed forces in conducting a small war. High collateral damage is not an inevitable result of American strategy. With proper force structure, policy, strategy and tactics, fewer civilians may die and better political advantage may be gained.

Current low-intensity conflict debates cover many issues--force structure, allied cooperation, definition of missions and tasks, political ramifications, logistical supply, mobility considerations, etc. Ethical considerations are given a low priority when they are considered at all. Only the "morality of intervention," whether it is right for the United States to intervene in another country's problems,

receives widespread analysis, and that often in terms overshadowed by fears of escalation to nuclear war. The question of whether American forces can fight justly once inserted, which was a significant dimension of the criticism of the Vietnam War, is rarely and obliquely addressed. The failure to consider the moral dimension of low-intensity doctrine and the operations that will result may affect critically the ability of the United States to conduct successful limited wars. New doctrine already faces an uphill battle in creating new forces, strategies and weapons; it faces decades of tradition and practice and a monumental bureaucratic inertia. If moral considerations are not included early in the process, the doctrine may be fatally flawed. Doctrine and even strategy at some levels can be changed relatively easily, but their modification will have little short-term effect on how forces fight. These are more the result of professional traditions and force structure. Doctrine must exist for a long time before force structures can change in response and before professional traditions can assimilate its new ideas.

Today's low-intensity conflict debates are reminiscent of the limited war debates of the 1950's and 1960's; both represent serious attempts to come to terms with the necessity of using military force to further American foreign policy goals in a nuclear world. The difference now is that the loss of Vietnam is behind us, and the facts of a major Soviet naval base at Cam Ranh Bay and the inability of the United States to defeat a combined guerrilla/Third World conventional enemy

indicate clearly that our limited war theories and strategies were flawed.

Some argue that the horror of the nuclear threat caused us to conceive of using our military forces for deterrence and "containment" in bloodless, clean and precise limited wars, blinding us to the fact that any war is filled with blood, death, suffering, political complexity and human passion. Others argue that we focused too little on developing unconventional warfare capabilities, others that we focused too much.* Both groups may have something to offer in today's debate, but neither is dealing with the ethical element in developing a strategy for the next U.S. limited war.

Serious questions remain unanswered, besides the key one--can we win the next limited war? Can we win and act morally? Must we act morally in order to win? Study of the issues raised by Vietnam and other U.S. low-intensity conflicts, by American civilian and military traditions and values in war, and by consideration of the ethical nature of such wars indicates that only by exercising a "morally sound strategy" will U.S. forces fight effectively in the conflicts strategists recognize we are most likely to fight. That is, if U.S. forces cannot fight substantially in accordance with

*For notable discussions of these concepts, see Harry G. Summers, On Strategy: The Vietnam War In Context (Carlisle Barracks, PA: Strategic Studies Insititute, U.S. Army War College, 1981) and Nicholas J. Pappas, "The Academic Strategists and the Vietnam War," Naval War College Review, July-August 1983, pp. 32-37. There are many more.

the moral values of the Western Just War Tradition and maintain in the U.S. public a prevailing opinion that their armed forces are fighting a moral war in a moral way (two separate goals), then we likely will fail to realize our goals in the conflict.

As currently oriented by doctrine, tradition and force structure, U.S. forces are in danger of fighting an immoral and ineffective war, immoral both in terms of actual conduct and in terms of public opinion, and ineffective for both reasons. This unhappy outcome is likely for two reasons. The ideological and idealistic American approach to war conflicts with the pragmatic approach called for in creating successful limited war policy and strategy. Furthermore, our military forces remain oriented towards the conventional threat and are prepared to fight only an "apolitical," major war using "attrition" or "annihilation" strategies based on massive firepower. The American people, politicians and military forces do not understand the strategic or moral issues of low-intensity conflict, and that ignorance may foretell disaster.

SECTION II

"THE SMALL WAR"

There is no easy definition of the term "low-intensity conflict," since it includes conflicts ranging in scope from the limited conventional war in Korea to "peacekeeping" to giving advice and training. It is important to concentrate doctrinal study on its most probable and troublesome forms. A major limited conventional war is not likely for the United States. Acts of urban terrorism may continue daily against U.S. citizens, but they are relatively immune to comprehensive military solutions. The most likely form of conflict will be connected in some way to "revolution" or "counter-revolution"; the United States will face the need to support a friendly Third World regime under some form of attack or aid forces seeking to overthrow an enemy regime. Such was Vietnam; such are the trouble areas in Central America; such could the Philippines become, tomorrow. The moral problems attending U.S. intervention in such "small wars" cover a wide range, including justifying intervention, evaluating the values of the factions in the Third World nation, and evaluating the moral consequences of U.S. military aid and actions in the conflict. The characteristics of these small wars that have moral repercussions may be discussed in terms of the political and military mismatch between the United States and the other belligerents, the "strange" environment of the war, and the appropriateness of using conventional forces in

such a conflict. Although the present discussion will focus on Vietnam-like counterrevolutionary struggle, these issues exist in sufficient degree in other forms of low-intensity conflict to raise many of the moral problems to be discussed.

In a small war, the United States will find that its military power overshadows the military potential of the conflict and that its political goals may not be coherent with the other belligerents' goals. It is unlikely that the U.S. will face its primary rival, the U.S.S.R., in any direct way; our post-Vietnam political sophistication may even allow us to recognize that Soviet involvement, advantage or disadvantage may be an issue remote from or irrelevant to the U.S. interests at hand. Therefore, the immense military potential of the United States will be seen clearly by all belligerents as disproportionate to the task at hand, since few nations in the Third World possess forces sufficient to threaten a major U.S. effort.

More importantly, the United States probably will be seeking different political goals, related to a global or regional policy which seeks to counter Soviet moves in an indirect way. The other belligerents, even if serving Soviet interest by proxy, will have urgent local concerns; Third World peoples will not risk their lives or livelihoods for superpower gains or losses. The immediate issue is that a small war is "limited" for the United States, and "total" for some or all of the other belligerents. Forces seeking to supplant a regime friendly to the United States are engaged

in a total war; should they begin to succeed, the regime will soon be fighting for its survival. At no point in such a conflict will U.S. forces, however, be engaged in other than a limited conflict, limited in means and ends. North Vietnam sought the overthrow of South Vietnam as a separate political state, and was willing to pay a terrible price for that victory. The United States could not match that resolve and South Vietnam was too weak to prevail.

The political mismatch expresses itself in a strange small-war rhetoric. U.S. political leaders must use rhetoric that combines justification of the war designed to appeal to an American audience interested in American global security with logical ties to the local issues of the conflict. Yet the true local issues may be incomprehensible or meaningless to Americans, particularly congressmen, the media and the public. Therefore, the official language of the war, language dominated by the United States because of its great economic and military "weight" in the conflict, may have little relation to the true concerns of the belligerents. This caveat includes U.S. interests, which would benefit from the success of an allied belligerent, but even local allies may be overwhelmed by the "official" U.S. view of the war, which may gradually turn U.S. conduct of the war away from treatment of the true problem. Thus did Vietnam become essentially a U.S. war fought for U.S. concerns, rather than a Vietnamese war fought with U.S. assistance for South Vietnamese goals.

This disjunction in strategic goals may be unavoidable, if truly important U.S. strategic interests are threatened by a local conflict. U.S. interests may diverge strongly from those of neutral or allied belligerents, yet may be so important that the local issues are unimportant. President Carter thought U.S. and NATO oil interests in the Mideast important enough to declare his resolve to intervene wherever and whenever they were threatened. The security and access of the Panama Canal may be such an issue. The growing crisis in the Philippines seems to threaten our most important Southwest Pacific bases. However, the fact that legitimate U.S. goals may oppose those of the local belligerents does not mitigate the moral and strategic consequences for U.S. forces in the conflict, nor is it likely to make justification to an American audience easy.

Small wars present special problems to U.S. forces because of their specific political and social elements. First, the war will have strict geographic boundaries for U.S. forces, but not for their enemies. This "double standard" is frustrating to a country which is militarily and politically oriented towards global strategies. Yet geographic limitation is perhaps the most powerful "symbol" of great-power intentions to avoid escalation and confrontation. The issues raised by U.S. intervention are the first moral obstacle to be faced in a small war. If the need arises to operate in adjacent countries, the moral problems are exacerbated.

Second, despite U.S. rhetoric or ignorance of the antagonisms motivating the other belligerents, those antagonisms define the true causus belli. In the Third World, fervent religious, ethnic, racial, tribal or political factions probably will underlie the modern terminology and "labels" of the conflict. To remain ignorant of those issues has moral consequences, for we may be fighting for goals that undermine the true interests of the United States and its allies.

Thirdly, many of the antagonisms have existed for centuries, and so small wars are unlikely to be brief. As discussed in Section VI, Americans view war as a necessary evil, to be conducted brutally and quickly, for victory. Yet the situations the United States faces today and will face in the future are not amenable to quick solutions, but will be protracted conflicts. And, the term "victory" may be meaningless where "political solutions," "accommodation," "compromise," and "coalition" are more relevant terms. Certainly, all of these local issues exist in "large" wars, but in a war such as WWII, the confrontation of great powers submerges the local issues. Military forces have a free hand in a large-war context, and can usually treat local issues as peripheral, since great power military goals are directed at each other.

Finally, the nature of small wars often makes a conventional military approach to its conduct inappropriate. The goals of all wars are "political," of course, but in conventional wars the goals are usually associated with destroying

enemy forces and occupying territory. Goals are clear-cut and lines are drawn. But for the United States in a small war, ends and means are severely limited and, as Clausewitz wrote, "the less intense the motives, the less will the military element's natural tendency to violence coincide with political directives . . . [and] the conflict will seem increasingly political in character."¹ Strictly from the U.S. standpoint, the political "ephemera" of the war become paramount. The moral problems discussed below and throughout these chapters will not have the same "moral weight" to most of the other belligerents, partly because of differences in values and cultures, but largely because of what Clausewitz called the "intensity of their motives." Thus, use of American military force where Americans do not feel an "intense motive" will raise to public attention and strategic importance certain issues that tend to be submerged in large wars.

Foremost in these issues is the heightened importance of noncombatants in the conflict and the undersirable results of military actions, in the form of collateral damage (the unintended death and injury of noncombatants and the destruction of civilian property). Finding ways to relocate and support refugees, prevent hunger, protect political and human rights, even avoid ecological damage, all begin to factor heavily into the moral and strategic equation. The "enemy" in a small war is intimately involved by choice or necessity with the population. He is often "unmilitary," rendering him

an "inappropriate" enemy formed of civilian amateurs, criminals, even women and children. It is easier for a weak enemy to avoid escalation and consequent destruction through avoiding confrontation, so he uses strategies that produce an "unbounded battlefield" in which conventional forces cannot operate effectively. The enemy operates in secret, causing the conventional forces, both U.S. and Third World, to receive the full glare of public attention and criticism. If the enemy avoids confrontation, the tendency of the conventional forces to escalate the fight to seek a conclusion will not produce the traditional "Clausewitzian" interaction and escalation of military force. Rather, it is probable that "interaction" and "escalation" will take place on an economic, political and propagandistic plane which the U.S. forces may not recognize and for which they may not have an effective counter.

As a consequence of this "unconventional" problem, conventional forces are required to shift their approach to the war and call on means they are not ready to use. First, the objective, the enemy's "center of gravity," may not be its military forces, but a more "political," people-based goal. U.S. national policy, military strategy and operational plans must be more unified than has been U.S. practice, because the consequences of even minor military actions can reverberate through U.S. and world political circles and opinions. A lack of clear policy goals leaves conventional military

forces in the frustrating and dangerous dilemma of wielding overwhelming force without clear objectives.

While small wars may vary widely in scope, intensity and strategic importance, they are the most likely conflicts the United States will face in the foreseeable future. It is imperative that the special problems of such conflicts be factored into the strategic, doctrinal and force structure equation. The moral aspects of these problems--political mismatch, irreconcilable and complex local issues, and U.S. conventional power---are serious obstacles to successful U.S. intervention in small wars.

SECTION III

THE U.S. MILITARY AND SMALL WARS: INSTITUTIONAL PROBLEMS

U.S. military forces are structured and trained for conventional war, and have been since the Civil War. Despite significant experience fighting against unconventional, limited war enemies in the past, almost no organization or tradition in our armed forces reflects that experience except in the most tenuous ways. In the Revolution, Frances Marion, the "Swamp Fox"; in the Civil War, "Mosby's Raiders"; the Indian Wars; the three-year suppression of the Philippine Insurrection; same experience with generating guerrilla warfare against the Japanese in WWII--all preceded the unconventional warfare we conducted in Vietnam. Yet today U.S. forces are forced to rediscover low-intensity conflict principles that should be included in every soldier's training from his first day. Morris Janowitz wrote that in

subjugating the defiant native Moros in the Philippines . . . the Army learned the limitations of its operational code and the necessity of political compromise, . . . the full range of modern politico-military problems, political intelligence, control of guerrilla forces, military government, the arming of indigenous forces, and the terms of political settlement. If . . . [they] had little influence on the conduct of subsequent military operations, it was because the military had not yet developed techniques of self-evaluation and indoctrination of officers in the complexities of modern warfare.¹

Our evaluation and indoctrination today, in terms of low-intensity conflict, are little better. The great-power status of the United States, her experience in the Civil War and the

two world wars and the 40-year confrontation with the U.S.S.R. have conspired to create a military institution unsuited for the special moral problems of small wars. Professor Sam Sarkesian said to the 1985 Air University Air Power Symposium on low-intensity conflict that current

American political-military posture is based on a misunderstanding of low-intensity conflict and misjudgements regarding the Vietnam experience, and . . . this posture is little more than a conventional design with forces-in-being, ignoring America's historical experience in unconventional war that dates back to the revolutionary war period, and . . . this posture reflects a lack of understanding of the character of Third World conflicts.²

The U.S. military does not have a basis in professional tradition, organization, equipment or training to even understand the moral problems of such wars, much less avoid their dangerous strategic and public relations consequences.

The professional traditions of the U.S. military, as exemplified by the Army, revolve around a basic "warrior ethic." This ethic grew from the long, dark hiatus in military esteem that followed the Civil War, in which the Army, neglected and rejected, withdrew from American society and developed the roots of the way American officers think today. "The American military profession, its institutions and its ideals, is fundamentally a product of these years."³ The key tradition resulting from that period is the "warrior ethic," the idea that the professional soldier is not a politically-minded citizen-soldier, but an apolitical, honorable instrument of the executive arm of government, responsible for the national security, and dedicated to a life of service. But

American civilian traditions are basically liberal and unable to see the need for security. The heart of liberalism is individualism. "It emphasizes the reason and moral dignity of the individual and opposes political, economic, and social restraints upon individual liberty. In contrast, the military ethic holds that man is evil, weak, and irrational and that he must be subordinated to the group."⁴ Basically, this dichotomy in philosophies places the U.S. military at odds with its own society. Liberal thought sees the "natural order" among all men as peace and sees government as a dangerous, amoral intruder from whom individual liberty and peace must be protected. American military professionals see the "natural order" among men as conflict, and the U.S. government and nation as a beleaguered entity in a hostile world. The moral consequences of this split where intervention in small wars is considered will be discussed in Section VI. Here, let it be emphasized that the military has become consciously apolitical and withdrawn from "civilian" ways of thinking.

Military men have a strong sense of responsibility for purely military activities, specifically combat, which is seen as the means to achieving a "victory" at the direction of civilian authorities, who are responsible for (and capable of) working through the "politics" of the situation. The officer tends to have a "low tolerance for the ambiguities of international politics and [a] . . . high concern for definitive solutions of politico-military problems."⁵ The

American officer, then, may be politically naive and insensitive to the social and cultural, the "political" or "human" results of military action. Our junior officers and NCO's are actually political actors, unwittingly manipulating political issues. Their local, tactical actions are part of the basic fabric of the political action of the United States in small war. Operational plans and theater strategies have political and social implications that the American officer, even up to senior field grade levels, is not well educated or developed to understand.

A second consequence of the warrior ethic is a distaste for "constabulary" or police functions, which are discussed later as potentially useful in facing small war enemies. The proper role for a warrior is to engage in combat with other warriors, who will organize, equip and act in ways we understand. The small war enemy often cannot and will not reflect the image of the warrior. "Dealing with seamy elements of society and with other values and practices implicit in counterinsurgency is especially repugnant to . . . warriors."⁶ Despite the wealth of experience with small war enemies and extensive use of the Army for internal U.S. security in the 19th century, the U.S. military continues to resist developing police skills or accepting ambiguous, "constabulary" missions. It maintains this position, despite the fact that a standing army in today's world must respond with flexibility and speed to multiple contingencies. Morris Janowitz called for a "constabulary" force, which cannot

operate on a double standard of 'peacetime' and 'wartime' premises. . . . [The] constabulary force . . . draws on the police concept. The professional soldier resists identifying himself with the 'police'. . . . The military tends to think of police activities as less prestigious and less honorable tasks, and within the military establishment the military police have had relatively low status. . . . [Intervention in internal U.S. disputes, such as strikes and racial disputes] often involves the Army in short-run political conflict . . . [and] is seen as detracting from its ability to perform as a guardian of the nation.⁷

Janowitz did not argue that the military should be used in internal police work, but he did intend to point out that this resistance is a symptom of a desire to avoid the loss of warrior characteristics. The conclusion to draw is clear; American officers resist the role of effective counterrevolutionary.

Of course, there are useful concepts in the military professional's code, such as integrity, obedience, loyalty, commitment, trust, honor, and service. However, even these, which together help a military organization develop a relatively restrained and responsible approach to war, are corrupted in part by "managerial" techniques and by the insidious characteristics of the military bureaucracy. This corruption acts to hinder a responsible, moral approach to small wars.

Another strand of American military thought is "technicism," or the use of technology, technical skill and the industrial might of the United States to wage war.⁸ The need to maintain a large standing military and avoid bankrupting the country has produced a search for sound financial

and managerial approaches to military procurement and leadership. Today, the services debate the effectiveness of "managing" vs. "leading" military units. Huge military budgets, Defense Department waste, and procurement of glamorous, expensive weapons systems dominate many military and civilian views of the military. As a consequence, American "business" methods have pervaded the military, leading us to attempt to "quantify" success in peace and in war. Battalion commanders struggle with a "budget" as they plan their training and maintenance, some division commanders are briefed personally by those same commanders on the specific defects and repair status of all vehicles in certain categories, and logistical and personnel statistics (AWOL's, UCMJ actions, awards, promotions, etc.) are often viewed as indices of the quality of a commander's efforts. Many officers find themselves "managing" their corner of the armed forces in a short-term, crisis-management terms, and the "invisible," deep qualities of a unit's health are ignored or given lip service.

The moral problems the U.S. military will face in small wars are tied intimately to the professional traditions, attitudes and education and training of the officers and NCO's, especially, who will be in those wars. Yet these men and women are taught by their daily duties that there is no time to reflect, to read professionally, to discuss how we will react to issues in war, or to look at the command and leadership relationships we need and have. What counts is getting that vehicle "up," today! Officer and NCO professional

development classes are mandatory, but my experience is that they often ignored and performed in a slipshod manner, and often technically oriented, to boot. Surveys of the Army's officer efficiency report system indicate that most junior officers perceive that their superiors do not take the time to counsel them, although most senior officers perceive that they do. My experience is that the junior officers are correct, as well-meaning as I know senior officers to be. The Army Chief of Staff has recently campaigned for increased "footlocker" counseling and "mentoring," and the efficiency report system now mandates, over signatures, job counseling. These ideas are healthy, but they are unfortunately pitted against a "managerial" juggernaut.

The "management" of the Vietnam War indicated the true "value" of modern business practices in achieving "victory." Effective warfighting in Vietnam often was tied to numbers. Success was judged by the number of bombs dropped, sorties flown, villages pacified, weapons captured, and, most notoriously, bodies counted. In a war of attrition or annihilation between conventional power, where military targets are numerous and identifiable, such numbers may have some relevance; in Vietnam they corrupted the U.S. military and, in return, gave false indications of "success." The failure of the body count, and of other "counts," resulted from "the ill-fated convergence of the frustration of this amorphous campaign with the advent of the managerial revolution, with

all its emphasis on precision, scientific techniques, use of computer technology and, above all, its self confidence."⁹

Not only were these numbers used to measure success, but performance, as well. Thus, a commander of a ground unit knew that part of the measure of his quality as an officer and hence his "potential" for promotion in an intensely competitive system was how many "enemy" his men killed. For example, to "quantify" the success of pacification, U.S. advisors were held responsible for the success of Vietnamese administrators in their area. "Managers" of the Phoenix program, which used arrest and sometimes assassinations of Vietcong infrastructure members as a tactic, set quotas, which predictably resulted in many arrests, often of the wrong people. The body count was high, village advisor reports were unfailingly optimistic, thousands of tons of bombs were dropped (quite a few on water buffalo), and generally the war looked terrific on charts. The lesson is clear; "it is unethical, impractical, self-deceiving, self-defeating, and potentially disastrous to extract from commanders statistical reports which are then compared with those of their peers and upon which are based the evaluations of their performance as commanders."¹⁰

It is frightening to see that we probably will use "numbers" to measure success in the next war. That's the way we do business now; why assume that when we start fighting we'll change spontaneously? Even in our daily duties, there is a tendency to apply

intolerable pressure on lower echelons to be guided by how it will look on the charts rather than what is right in a given situation The system also rewards relatively less meaningful and transitory accomplishments at the expense of more substantive and important (but probably less visible) building of the long haul well-being of the unit,¹¹

such as how well junior NCO's understand their role in small wars, or the probable effects of an alien culture on a unit's cohesion, discipline and morale.

The problems of "managerial" hindrances to fighting cleanly are linked to characteristics of the military bureaucracy. In bureaucracies worldwide, "managers" avoid responsibility and authority, using regulations and organizational structure to protect themselves. Conformity, careerism, "right thinking," adherence to dogma ("that's the way we've always done it"), and "safe style" all tend to ensure safe advancement. A bureaucracy shies away from admitting mistakes or accepting criticism. The U.S. military exhibits some aspects of all of these qualities; all large organizations do. Thus, "professionals" tend to become "careerists," "public servants" tend to become "public officials," and ideals of service to others and responsibilities of trust tend to degenerate into self-service and assumption of the "rights" of official positions.¹²

These bureaucratic characteristics, where they exist, are particularly deadening to the moral sensitivity of U.S. forces in a small, dirty war. A soldier gives up part of his moral autonomy for the sake of the discipline and cohesion of the unit. If the officers, commanders and the careful

development of morally sound strategy and tactics do not absorb that relinquished moral responsibility or autonomy, it is likely that the American soldier will find himself either in acute moral dilemmas or free to act without moral restraint. Either situation can be destructive of the unit and can produce atrocities in war. William V. O'Brien, a noted just war philosopher, wrote that the "characteristics of the bureaucracy . . . are far more relevant to the practical dilemmas of My Lai, body counts, and cover-ups than any evil intentions and propensities to be found in the American military."¹³

The anti-war movement was wrong; American officers were (and are) not warmongers or evil, but they were (and still are) to some extent, bureaucrats, conditioned to look inward to the needs and norms of the military organization rather than outward to the needs of the conflict. In large wars of the past, introspection did not harm strategy, but in small wars insensitive leadership and strategy are the result. Small wars require flexibility and the willingness to deviate from accepted practices, to take risks in new strategies. The U.S. military is not ready to do that.

Most of the U.S. armed forces (two-thirds of the Army) are designed, in terms of organization, equipment and training, to fight the NATO battle--conventional forces pitted against powerful Warsaw Pact armies, air forces and navies. Non-NATO light forces are designed primarily to be readily deployable and do not receive true low-intensity

orientation; all have major conventional contingency missions. Given the current world situation, the design is understandable and necessary. Yet that design is unfit for the effective use of force in small wars, and that unfitness has many moral repercussions.

Low-intensity conflict is not new, but the attempt to use the massive military might of a NATO-oriented force in a small war would have aspects of facing a totally new kind of warfare, because of the inertia of the military system and its inability to adapt. That problem had a lot to do with the failure in Vietnam, where the United States took over the war and fought a major conventional conflict. Michael Walzer, a popular contemporary just war philosopher, noted that

the United States failed in the most dramatic way to respect the character and dimensions of the Vietnamese civil [sic] war. . . . Searching for a level of conflict at which our technological superiority could be brought to bear, we steadily escalated the struggle, until finally it was an American war, fought for American purposes, in someone else's country.¹⁴

The small war enemy proved illusive and able to choose consistently the time and place of battle, thus controlling the war. Even if he has conventional forces, massive destruction strategies may have social and political (and moral) effects beyond our current ability to assess them correctly. That happened in Vietnam. It seems that our conventional orientation, based on a high-tech approach to war and a military system geared to fight another great power for ultimate

stakes, cannot be "tuned down" to be useful in a low-intensity, local fight.*

Since Sherman and the Civil War, a steamroller approach to land warfare has dominated the development of the American way of war, sometimes expressed as "attrition" warfare, in which the goal is to wear down the enemy in material and personnel terms, and sometimes as "annihilation" warfare, in which the goal is to engage and decisively defeat enemy forces. We are geared to "find, fix, and destroy" enemy forces through the use of massive firepower from combined arms teams. These concepts stem from Napoleonic warfighting, fire and maneuver to achieve "victory."

In the 20th Century, the "operational code" (rationale for use of the armed forces) of the Army officer corps (the Army as representative and, perhaps, most relevant) has developed into a tug-of-war between what Morris Janowitz called an "absolutist" approach to war, in which war is viewed as "the most fundamental basis of international relations" with "total victory" its goals, and a "pragmatic" approach, in which warfare is viewed as but one instrument of international relations.¹⁵ The "pragmatist" is obviously more disposed to fighting restrained small wars, the "absolutist" to seeking extreme (and potentially impossible) political goals as a result of "total victory."

*General Westmoreland noted wryly several times in his book, A Soldier Reports, that Wellington had told the House of Lords: "A great nation cannot fight a little war."

After WWI, which was fought by an absolutist, Pershing, the operational code tended towards the pragmatic, but that trend reversed in WWII. Pragmatic strategists argued for accommodation with Nazi Germany, despite evidence that compromise was impossible, but in the Pacific we fought a purely "absolutist" war against an Asian enemy whose war goals were clearly limited, unlike Germany's.¹⁶ MacArthur, in WWII and in Korea, represented the extension of the absolutist code into the modern age of limited war. His famous "there is no substitute for victory" was an absolutist's battle cry. General Hackett observed that "General MacArthur could not accept . . . [in Korea] the limitation of means or of the restriction of ends. . . . He called it the 'concept of appeasement, . . . the concept that when you use force you can limit that force.'"¹⁷

Although MacArthur lost his campaign for total victory, absolutists predominated in the Vietnam war, and were in the majority as late as 1970, as observed by Janowitz.¹⁸ Thus, the traditional code of "unleashing" massive military power to achieve "victory" operated in Vietnam, persisted to the end of that war, and I suspect, predominates today. Both pragmatists and absolutists, after the difficulties of Korea, were reluctant to commit troops to the Asian mainland again, but "absolutists as a group were more prone to accept and vigorously pursue the new direction" of intervention in 1961. And, "in the end, not a single . . . high ranking officer dissented . . . by . . . resigning . . . in order to establish a

historical record"¹⁹ of the opposing philosophy. Even pragmatists, then, acquiesced in the conduct of a war their instincts told them was being mishandled.

General Westmoreland, despite working closely with Generals Ridgway and Taylor, both pragmatists, "men trained in the tradition of the measured application of violence," was "a devoted admirer of General MacArthur and of his associated ideological overtones . . . and was deeply preoccupied with the Far East because of his experiences in Korea."²⁰ He understood the complexities of the Vietnamese conflict, but his conventional orientation dominated. Thus, an apparent absolutist commanded during the application of U.S. power in the conflict.

Current (1985) analysis of Vietnam, in the persons of COL Henry G. Summers, General Bruce Palmer, and General William DePuy, basically takes the form of absolutist arguments as described by Janowitz in 1970.

The absolutist officers, who have come to constitute the bulk of the active duty personnel, point to two considerations they believe overriding. First, in their opinion, the United States military buildup in Vietnam . . . was too slow. Second, they believe that restraints on the use of military force . . . were excessive. In short, it was the weight and scope of the force levels that were controlling, not the initial decision to employ them.²¹

That is, if we had had more, we could have attrited or annihilated them. Many pragmatists would argue: "We never should have intervened."

Yet, the internal tension in the military between absolute and pragmatic approaches to war serves only to

illuminate one aspect of the American approach to limited war--the military tendency to unleash too much force for unreasonable goals. The military does not control totally the conduct of war. Civilian control of both the Korean and Vietnamese Wars, and the very nature of limited war, kept the conflicts limited. As Robert Osgood, a noted limited war theorist, wrote:

It is significant . . . that in both cases the nation did fight a large-scale, protracted war with-
in self-imposed restraints and in accordance with
the theories of political limitation and proportion-
ate force that are at the heart of limited-war strat-
egy. . . . [In] neither case did the interests at
stake seem worth the risks of expanding the war. In
this respect, cautious gradualism, as opposed to
sudden and bold escalation in order to achieve the
maximum military effect as soon as possible, seems
intrinsic to the phenomenon of large-scale limited
wars as the United States is disposed to fight
them.²²

Tendencies to seek total victory will be balanced by the inevitable caution attendant to intervening in a local conflict. Whether militarily wise is not the point; caution will predominate and the military absolutists will face the same problems as Vietnam, constantly and hopelessly desiring more forces and less restraint to "take the war to the enemy."

A second aspect of the conventional approach to war with moral repercussions is the reliance on high-technology, sophisticated weapons. Some of the best moral qualities of American military leaders are demonstrated by such reliance. Their reverence for life and sense of responsibility for the "citizen-soldiers" entrusted to their care and leadership

lead commanders to "trade bayonets for firepower." Using troops to clear minefields or in "human-wave" attacks are abhorrent to U.S. commanders. We recognize our soldiers are our most valuable asset, and use them sparingly.

Yet this protective posture has some unpleasant consequences. The "use in limited war and counterinsurgency of technologies designed for major conventional or nuclear war" can result in "an image of technological overkill which, in turn, imposes constraints on the level of violence which may be used by security forces."²³ This problem is most evident in attempts to use air power, both tactical and strategic, in small wars. The outrage elicited by both tactical and strategic bombing in Vietnam was in part caused by a perception that high technology is almost automatically disproportionate. In truth, it is easy to see the critics' point when considering the use of B-52's in attacking primitively armed villagers or in destroying hand-built irrigation systems, or the use of fighter-bombers designed for use quite different from bombing and rocketing villages.

It is almost inconceivable that conventionally oriented strategists would not take advantage of "air superiority" and wield the "air arm" of the "combined arms team," or that the Air Force or Navy would pass up a chance to include their fighter-bombers in any conflict. However, the record of air forces in small wars is not good. As Noel Koch, Principal Deputy Assistant Secretary of Defense for International Security Affairs, told the Ninth Air University Airpower

Symposium ("The Role of Air Power in Low-Intensity Conflict"), the list of those who lost in small wars and had air superiority is long: Chiang Kai-Shek in China, the French in Indochina, Batista in Cuba, the United States in Vietnam, and Samoza in Nicaragua. The U.S.S.R. in Afghanistan does not appear to be "winning."²⁴ Therefore, not only does the use of one of our most hi-tech and destructive military instruments tend to bring moral problems, but its very utility has not been validated by history. Janowitz expresses the spectre of future problems well: "But 'victory through strategic bombardment' is a deeply ingrained conception in the United States military establishment."²⁵ The same prediction of potential moral problems could be made about M-1 tanks, long-range artillery, aircraft carriers, or Advanced Attack Helicopters.

A third problem with our conventional orientation is the tendency to "make our allies in our image." Military assistance of allies, especially officer and NCO training, and the building of allied forces often reflect the American approach to war and tend to multiply the errors of that approach in a small war by improperly molding the indigenous forces that should bear the brunt of the effort.

United States military leaders have been slow [written in 1960] to develop military assistance programs which are appropriate for the internal security needs of underdeveloped countries. The sharp American distinction between the civilian police function and the military function is not applicable to these nations. . . . The model would not be the infantry division, but the constabulary and military police unit, neither of which has been at the center of United States thinking about military assistance.²⁶

We then created a South Vietnamese army very like our own, and then tended to blame it for not doing what we do best as well as we did it.

This tendency has been exacerbated by a history of poor relations with allies. American forces did not work well with allies in WWII or Korea. In Korea, the rancor between Americans and South Koreans developed to the point that it threatened the war effort. Vietnam had its share of allied problems, culminating in the United States dominating the war. American forces are poor candidates for intervention in a conflict where their goal will be to assist other forces.

A fourth problem of the conventional orientation is the traditional resistance the armed forces have shown to Special Operations Forces (SOF), which current developing doctrine recognizes (once again) are valuable in applying restrained force in sensitive geopolitical conflicts. Although SOF are usually analyzed in terms of their glamorous, newsworthy fighting elements, the Special Forces, Delta Force, Rangers, and Navy Seals, the term includes the less recognized but more valuable PSYOPS, Civil Affairs, and Judge Advocate General units, and may be stretched to include combat support and service support units such as Engineers, Military Police, and medical units. But Special Operations tend to be pushed aside, denigrated and robbed for conventional missions. After WWII, where they were successful, as Dr. Sam Sarkesian noted: "Elite units were considered contrary to established military organization and disruptive of military planning and

operations. More important, the doctrines associated with special units were . . . perceived as contrary to the principles of war and . . . outside the mainstream of military thought."²⁷

In Vietnam, Special Operations Forces had their "big chance," and the conventional perception is that they failed. But even early in Vietnam, the tendency for conventional forces to "suck up" special units for traditional tasks was evident. Early in the war, Special Forces units worked covertly with the CIA to establish security forces in villages. As the program succeeded and grew, it became "overt," and MACV, declaring that its overt nature brought it into the "military" arena, took over the units and used them as special commando units against enemy units in remote areas, a task for which they were not designed.²⁸

Today, even with the development of new interest in low-intensity doctrine, the Special Forces are still struggling to survive and have tied their "survival" in the Army force structure to a conventional contingency mission in NATO, despite their training and orientation for military assistance in Third World areas. The debate over the doctrine for the Army's Light Infantry Division shows a steady tendency to pull it into missions that will in some way enhance conventional missions, such as rear area actions in a NATO war, to "free up" a reserve heavy division to enter the fray.

Finally, most Special Operations Forces, especially the invaluable PSYOPS (87%) and Civil Affairs (97%, 100% in the

Marines) units, are in the Reserves or National Guard, where they are not available for rapid use, and where it is likely (as Vietnam indicated) many will sit out a conflict. More importantly, these special units do not train with active duty conventional units, whose commanders will develop and conduct the strategies of small wars. Those commanders will be unused to and unfamiliar with the skills of Special Operations Forces, increasing the likelihood they will turn to their conventional resources.

New low-intensity conflict doctrine, while encouraging in some of its aspects, continues to demonstrate excessive reliance on the conventional force structure, assuming American combat units will develop unconventional skills by a simple alteration in their mission statement.

An excellent example is the Army's new Operational Concept for Low Intensity Conflict (Training and Doctrine Command Pamphlet 525-44, Advance Copy, October 1985). This document explains true causes of Third World conflicts, discusses conditions which must exist for U.S. forces to intervene, and lists some of the same problems U.S. forces may have in low-intensity conflict discussed in this section. Yet the document persists in assigning missions to forces ill-suited to carry them out. Under "peacekeeping operations," the document seems to contradict itself in noting that Army units are

trained to act aggressively in order to defeat and destroy an enemy. Peacekeeping . . . [is] based on . . . force . . . [being] used [only] for self defense. The result of this dichotomy is that the soldier must possess the skills . . . for warfare, but be so trained that in peacekeeping²⁹ his immediate reaction is to act as an intermediary.

The document further notes that the "infantry battalion, when augmented [by combat support or service support elements], is considered to be the basic unit element in peacekeeping operations."³⁰ However, all of the missions and tactics then presented are missions and tactics Military Police units perform routinely, yet MP's are not even mentioned in this section. The language often is straight from law enforcement jargon. "Patrolling, observation, surveillance, and investigation, combined with patience and common sense, are . . . necessary skills. . . ." Such operations "require isolated units to be positioned in hostile environments" and plans must be made "to provide backup." Units must project "a positive image of U.S. military power. . . . The two common missions in peacekeeping operations are cease fire supervision and law and order maintenance."³¹ Any Military Police unit would understand all of these issues; an infantry battalion would require basic training from the ground up. But in the Army MP units are at a premium, the MP Corps having received cuts in order to help build new light divisions; sixty-six percent of non-divisional MP units are in the Reserves.

The U.S. military has proud traditions which instill in its professional members qualities of service, honor and patriotism, and the record of U.S. forces in war is honorable. But those traditions and the force structure and institutions which have evolved are not tuned to the frequency of much of what is troublesome about low-intensity

conflict. Peacetime budget and procurement worries, focus on deterring a war in Europe through high-technology weapons systems and heavy forces, traditional regard for American lives and distaste for constabulary skills and facing a "dirty" enemy in small wars, and historical reliance on massive firepower to gain victory conspire to keep U.S. forces out of tune with modern warfare.

SECTION IV

THE U.S. MILITARY AND SMALL WARS: ETHICAL TRAINING

A serious institutional problem that the U.S. military has with developing and conducting a morally sound strategy in small wars is training. The U.S. military does not train well for small wars, which is a problem stemming directly from its conventional orientation, but the issue runs much deeper, since it is apparent that we do not train well for any of the hard issues of morality in war. To deal with the emotional, psychological and ambiguous questions of fighting cleanly, or coming to terms with one's "dirty" consequences, requires facing the fact that the soldier is a moral agent, which the British seem better able to do.

One distinguished British officer raised the logical question in the U.S. Army's War College magazine by asking what sustains the moral soldier while he kills. His comments pertain especially to the issue of training soldiers for the special moral problems of low-intensity conflict. He wrote that the best moral climate in war is when the soldier's mind is at peace, when he has a "quiet yet active conscience." The soldier in a free society must maintain his own discipline, professionalism and self-esteem. That condition results only when a unit has high esprit, and leaders practice sustained efforts to enlighten and educate the soldier, and lead by persuasion.¹ The only way to develop in American or any soldiers a "quiet yet active conscience" is to

make them aware of the problems they will face, the types of choices they will have to make, the possible good and bad consequences of their choices, and why and for how long they may be in that situation. For small wars, we do not do that well.

A large part of the reason for that failure lies in the need for the training base to train volunteers quickly for short-term usefulness in conventional units, and to train our professional officers and NCO's to manage the technology and bureaucracy of the services. For our enlisted soldiers, particularly when using large-scale forces in a small war as we did in Vietnam, there simply is not enough time or money to prepare them for the rigors of low-intensity conflict. "Just as one requires a professional police force to combat crime effectively and morally, so one requires a professional, long-term counterinsurgency force. Such a force will not be effectively formed from conscripts."² Our current volunteers are trained even less well for small wars than were the Vietnam soldiers, who received orientations on how to fight cleanly in Vietnam.

Today, our officer and NCO training emphasizes troop leading, tactics, logistics and administration matters, rarely if ever dealing with subjects that would be valuable in low-intensity conflict: Third World politics, ethnic issues, tribal issues, and religious conflict; the impact on U.S. soldiers of severe restraint in using their firepower; the role of the media in the United States; the role of the

military in the political realities of the United States; and how to work effectively with allied forces. Only at the war college level do officers begin to receive any introspective study of such issues, and few attend such schooling, approximately 40% of O4's attending C&GS level schooling and only 20% of O6's attending war colleges. West Point cadets receive some good instruction in their philosophy course, but it is a tiny part of their curriculum, they are few, and the study is not reinforced after their commissioning. By the time an officer is at a war college, tradition and experience have "set" the officer's approach to his profession, not to mention that he is then called on to apply that knowledge and understanding to subordinates ignorant of the issues.

In terms of war and morality instruction, the training curricula tend to treat it as a relatively minor adjunct to preparing for any war. Formal officer schooling at the colleges of command and staff and war colleges devote no more than nine to fifteen hours per class to subjects related to war and morality, and that training is usually not integrated into the rest of the training. A good example of the failure of the schools to present officers with realistic small war exercises with moral issues integrated was the 1985 U.S. Army C&GSC "KOREX," or CPX Korea Exercise. The scenario presented a conventional operation, officers wore their battle dress uniforms in the classroom/"operations" rooms, camouflage netting was placed in the halls, "principles of war" were posted on bulletin boards, and television monitors ran films of

Korean war combat. Nowhere in the exercise were refugees addressed, reports of "war crimes" committed by U.S. troops received, media representatives or sensational, inaccurate news releases intruded, and in no way was the enemy personalized.³ All of those issues will impinge on officers in an actual small war.

One key problem with trying to fight cleanly in small, "dirty" wars results from the way our commanders are trained to issue orders. In the Army, at least, we are prone to leave subordinates a lot of leeway in accomplishing their missions, in order to capitalize on their experience and intelligence and to encourage initiative. "Mission" orders work and are best in most conventional war. But such orders in small wars are a dangerous way to control units whose every tendency is to use massive firepower to reach purely "military" objectives. Senior military leaders say we suffered from vague, conflicting and inadequate guidance from their civilian masters in Vietnam, yet we allowed troop leaders to wield overwhelming military power under general, unclear orders in ambiguous situations that require the utmost clarity and sensitivity. Typically, military orders treat social, cultural, and political issues as either nonexistent or peripheral. Combined with the inevitable frustration resulting from seeking to identify, much less "find and fix" an enemy, ambiguity or wide leeway in orders can have tragic, immoral and strategically disastrous results. Although the failure in leadership and strategy that resulted in the massacre at My Lai had

other roots, one clear fault was that LT Calley's orders were vague enough that he and his soldiers could "interpret" them as orders to kill noncombatant detainees, and in great numbers, regardless of sex or age. My Lai is an extreme case, atypical for U.S. actions in Vietnam, but it serves to point out the danger of vague orders in the moral ambiguity of a conflict like Vietnam. Had the chain of command specifically ordered that noncombatant casualties were to be prohibited, or minimized, it is clear that no soldier or lieutenant would have lined women and children up and shot them. Some might charge that significant restraint in a military operation is impossible to achieve. They do not understand the depth of an officer and NCO's tendency to obedience. Were a battalion commander to make clear to his company commanders that he wanted to see which company could complete its mission having caused the least collateral damage, restraint would be the order of the day. Whether that restraint would affect adversely the discipline and morale of the unit is another question.

The ethical instruction given in the Army today tends to be too definitive and legalistic, concentrating on the "rules" of war as embodied in the laws of land warfare. It is logical to look to positive law for guidance in fighting cleanly, but there are problems with that approach. One problem is that international law does not treat effectively the problems of small wars, as discussed in Section VII. The immediate problem, however, is more substantive. That is,

"rules" and "law" represent a legalistic approach to a problem that is rife with ambiguities which permeate the consequences of military actions. The U.S. Army's key document FM 27-10, The Law of Land Warfare, typifies the problem when it implies that any violation of the law of land warfare is a "war crime" and the perpetrator is liable to punishment.⁴ Such a black-and-white, rule-oriented approach trivializes the term "war crime" by failing to account for the great range in seriousness of questionable acts, and the real likelihood that in small wars a soldier may be forced to act without knowing a clear right from wrong. He would be better off knowing that some of his actions probably will be morally and legally questionable. This issue ties into the problems of training recruits.

Also, law does not effectively limit the possibility of immoral acts in war; it basically stands as a prohibitive code which authorizes punishment for criminal acts. As discussed in Section X, most of the actions which elicit outrage in small wars are not clearly illegal or immoral; many are clearly "legitimate," but unwise. As William O'Brien wrote:

[Listing] the most important modes for the limitation of belligerent behavior readily indicates the modest role of explicitly legal prescriptions and guidelines in eliciting such limitation. The character of . . . [war] is . . . a function of the key political/military policies and decisions underlying that behavior and the characteristics of the forces deployed. . . . In modern wars most of the military actions criticized as immoral, illegal, or violative of limited-war guidelines were clearly foreseeable consequences of basic decisions made concerning military ends and means. This is the heart of making just and limited war possible.⁵

Law cannot produce morally sound strategy in small wars; it will only give critics of unsound strategy hooks on which to hang their outrage.

Restraint, then, will not happen spontaneously when it is needed. Law will not cause it to happen; it is more likely that the conditioning of our armed forces to wage violent war will hold true. The training of a British Army soldier who is ordered to the "small war" in Northern Ireland is instructive. Each soldier is instructed, trained, drilled and tested extensively on how, when, why and where to use deadly force among the population. Any soldier that does not pass the testing simply is not sent to Northern Ireland, according to LTC Jake Hensman, Royal Marines.⁶ That type of training of conventional soldiers is the result of understanding the moral differences among types of war.

Finally, it is tragic to note that the U.S. armed forces are ignoring their most valuable resource in this area--the thousands of officers and NCO's still on active duty who struggled as junior troop leaders with the moral problems of fighting in Vietnam. Many soldiers left the services and wrote about these problems, but the ones who stayed apparently have not shared their experience with the services in ways calculated to improve the chances the United States will do better the next time.

SECTION V

AMERICAN MILITARY VALUES IN WAR

Despite evidence from the recent wars of the United States that U.S. forces have an inability to predict or defuse moral problems related to small wars, Americans have genuine tendency to fight justly. That Americans want or tend to fight justly is shown by a record much cleaner than many others.^{*} The record of unnecessary cruelty and atrocity in the wars of the last fifty years is grievous and worth contrasting with American methods of war. Nazi military professionals were instrumental in engineering the Jewish holocaust and German armies adopted genocide as a strategy as they invaded Russia.¹ Japanese mistreatment of American POW is notorious. In small wars, atrocity seems routine: French torture during the Algerian conflict; tribal massacre under Idi Amin in Uganda; thousands of Vietcong "assassinations" of village officials; North Vietnamese and Chinese torture, brainwashing and exploitation of American POW; and apparent Soviet reprisals and use of poison gas in Afghanistan. Some would include in that list many American actions, but it is clear that the above atrocities were planned. Americans tend not to fight in that way.

American attempts to fight within the spirit of the Just War Tradition (discussed in Section VI) are exemplary, when placed against that list of horrors. In WWII, in Europe, American air forces strategists resisted British insistence

on area bombing of German cities ("terrorism" or "terror bombing" carried out by conventional forces to destroy enemy civilian morale), preferring to strike specific war industry and military targets. American forces responsible for Chinese and North Korean prisoners of war worked hard to control their ideologically-inspired riots with a minimum of force, and succeeded at the end of the war in helping thousands of their former enemies remain in the relative freedom of South Korea rather than the forced return to communism desired by their leaders.

In Vietnam, attempts to fight cleanly were especially noteworthy in light of the rabid outrage exhibited by elements of the peace movement. In "just war" terms, as William O'Brien wrote:

[The] remarkable, . . . insatiable quest of the United States for negotiations during the war, . . . [the] virtually nonstop pleas for negotiations--anytime, anywhere--interposed with bombing halts, truces, and promises of development aid to the area certainly met and surpassed any reasonable requirement to seek a peaceful settlement.²

In terms of conduct in the war, senior commanders strove to insure U.S. forces would fight within acceptable moral limits. They published rules of engagement and the laws of land warfare regularly and in various media, striving to get usable rules down to the soldier level. MACV Directive 95-4 was a good example, which O'Brien said

sought to enforce the moral and legal principles of proportion and discrimination as well as the military principle of economy of force, . . . [and] further the political ends of the war by minimizing attacks on civilians and their property. Their ROE

[rules of engagement] went far beyond the proclamation of a general admonition to avoid disproportionate and indiscriminate use of firepower.³

Senior American commanders recognized that fighting cleanly was not only right, but strategically necessary. An extraordinary example from Vietnam was "Linebacker II," the 1972 "Christmas bombing" of Hanoi, during which B-52 crews were forbidden to use evasive action while running the most intense antiaircraft gauntlet ever amassed. There were several reasons, some technical, but the minimization of collateral damage (noncombatant death, injury and property loss) in a heavily populated area, for both normative and "political" reasons, was paramount. As O'Brien wrote: "Here is an extraordinary example of a rule of engagement that . . . [was] discriminate . . . at the expense of the vulnerability of the attacking aircraft and crews."⁴ That some of the reasons and compulsion for fighting cleanly were "political" or practical rather than purely moral is not as important as that forces fought for limited goals with appropriate means. Morality must be considered a part of the practical side of war.

Yet American forces, as noted in Sections III and IV, are not organized or trained to use restraint; a simple desire (whether moral or practical) to fight cleanly will not suffice. Robert W. Tucker wrote in 1960 about American problems with fighting cleanly in a way that proved prophetic in Vietnam:

A commitment to restrain the manner in which force is employed by a readiness to observe the general principle of humanity is not altogether impressive when accompanied by the conviction that war has no

limitations save those imposed by the limitation of force itself. . . . [The] general principle of humanity has never proven to be very effective in placing meaningful limitations upon the conduct of hostilities.⁵

And, it is not what the principle of humanity

condemns in the abstract, but rather what the principle of military necessity is deemed to permit in the concrete circumstances of war that is decisive. . . .⁶ The latter . . . may sanction almost any measure.

The argument from "military necessity" for U.S. forces focused on attrition or annihilation strategies has overshadowed truly American concepts of compassion and desire to avoid unnecessary suffering, both in "large" wars and small. However, it is in the small war that the consequences have come back most clearly to haunt us. Paul Ramsey, an eminent contemporary just war philosopher, pointed out that humanitarian concerns coupled with American notions of warfare exclude "only wanton acts of cruelty or destructiveness."⁷ In small wars, that exclusion is not enough.

The consequences of this tension between desire and action are seen in all recent American wars. In WWII, American bombers bowed to British "necessity" and fire-bombed German cities, including participating in the infamous Dresden raid. In the Pacific, Curtis LeMay unilaterally stripped his new B-29's of the technology, armament and armor that were designed to protect them and insure their success during highly accurate, daytime attacks against military targets, and launched a terror campaign against Japanese cities. His bombers flew at night, without protection and laden with

incendiary bombs, for low-level attacks designed to burn industries and cities and terrorize the Japanese into surrender. The raid on Tokyo killed over 100,000 people, more than either of the atomic attacks, which were, of course, simply extensions of the strategy. An unforeseen long-term effect of these British and American raids was to widen in the Western concept of just war the implications of "total war." Whether the raids shortened either theater's hostilities is debatable. These strategies were "taking the war to the people," a strategy begun in modern times by William Tecumseh Sherman, with a vengeance. Those concepts helped shape the way U.S. forces approached war for the next forty years.

In Korea, a war we recognized was limited in ends and means, U.S. forces tended to use excessive force. Michael Walzer quoted a British journalist's account of the advance of American infantry units,

'The cautious advance, the enemy small arms fire, the halt, the close air support strike, artillery, the cautious advance, and so on. . . . It [may save the lives of soldiers, but it] is certain that it kills civilian men, women, and children, indiscriminately and in great numbers, and destroys all that they have.'⁸

That approach "worked" in Korea, where the open terrain, conventional nature of enemy forces and the intense ideological hatred of South Koreans for the North allowed the effective use of massive destruction tactics and strategies without damaging political repercussions. Vietnam was another story, yet U.S. forces, strategists and policy makers tended to

approach it as if it were another Korea. Robert Osgood, in his insightful analysis of limited wars, wrote:

When the regular units became involved, counterinsurgent activities were overshadowed by the mode of fighting that U.S. armed forces had been trained, equipped, and organized to fight in Europe and Korea, . . . [emphasizing] the most modern weapons, technical mobility, and concentration of firepower. . . . The armed forces of South Vietnam . . . were equally unprepared . . . , having been developed by the United States according to U.S. military doctrine and U.S. standards of modernization. . . . [They] were bound to fight the kind of conventional war they were primarily created to fight.

The cost of these two limited, "small" wars was tremendous, in terms both of "blood and treasure," and the prospects for replaying the scenario, should U.S. forces in large numbers be committed to a future small war, are good. American military professionals desire to fight in a morally just way. Especially in Vietnam, where the moral criticism was strong, was this desire obvious. However, because of conventional training and traditions, we have tended to use too much force, substituting firepower for careful strategy.

SECTION VI

THE AMERICAN JUST WAR TRADITION AND SMALL WARS

Overshadowing all discussion of U.S. moral problems in small wars stands the Western Just War Tradition. (See Appendix I) It is the distillation of Western man's attempts to mitigate the horrors of war. Although its content appears to be purely moral, the provisions stem not just from purely religious or humanitarian concepts, but also from the deep lessons of international relations for almost two thousand years. Many professional military people react poorly to the fact that much of the writing on the tradition is done by religious thinkers, especially Roman Catholics, and is couched in religious historical terms. They think, therefore, that the tradition is a "religious" thing, or, when generous, a purely "philosophical" thing, an airy debate on the ideals we would like to impose on war.

But the Just War Tradition is no impractical ideal; it is an expression of the way Western men, most Americans included, tend to think about war, their sense of what war is and should be. The reason just war arguments are so often religious or Catholic is that the Church ruled the Western world for many of the centuries during which the Tradition developed. However, much of the tradition of jus in bello, or "war conduct law," came from centuries of secular, professional military codes of chivalry and operational art. Likewise, elements of jus ad bellum, "war decision law," have

been tied in the past to the right of a king to declare war as a sovereign, and later to the right of a sovereign nation to declare war for its own unquestioned reasons, theories very much in the arena of secular international relations, statescraft and politics.

So, the Just War Tradition is not "pure philosophy" or a "sermon," but a practical tradition to which Americans are heir, as they are to other verities in our culture: individualism, political rights, civic responsibilities, etc. The tradition has a "ring of truth," of common sense, to Western ears: in simplistic, broad terms, for jus ad bellum--use diplomacy as much as possible and avoid the destruction of war; fight only at the direction of an institution or authority which represents a major political consensus; and fight only for very important reasons: for jus in bello--fight with efficiency to do what must be done, but minimize destruction and suffering.

The apparent simplicity of these "laws" of human and international relationships should not hide the difficulty in bringing them to bear in war. The most obvious manifestations of the tradition are international laws of war, but they are difficult to form and enforce, as discussed in the next section. Also, the tradition is distinctly Western, and much of modern war pits against each other adversaries with radically different values of human, religious, political, cultural and social relationships, as discussed in Sections

II and X. And, warfare changes constantly, reflecting new national and international trends, and changes in technology.

When war changes, the Just War Tradition begins to shift to accommodate new realities of conflict, and the shifts are often difficult or traumatic. Today, standards of jus ad bellum are under attack from several angles, and the result has been a serious undermining of the standards of jus in bello. This development is particularly tragic in that modern attempts to set high standards of jus ad bellum have not apparently lessened the frequency of war, but have acted to lower standards of war conduct, rendering war more destructive and brutal.

The continuing and primary "attack" on jus ad bellum is the continuing development of "total war." Modern total war began with Napoleon, who used national ideological mobilization to overwhelm his enemies, yet in his age, weapons technology, weather, and agrarian economic systems conspired to severely limit the conduct and effects of war. Twentieth century war, however, has shown that war could overcome weather and economics by technology and threaten entire civilizations, states and peoples. Modern wars have demonstrated that modern societies tend to "take the war" increasingly to the entire enemy population. Nuclear strategies have exacerbated perceptions of that trend, since extensive nuclear warfare would bring destruction to new levels.

Fear of nuclear war now dominates just war evaluations of almost all justifications for the use of armed forces by any

great power. When strategy is discussed from a moral point of view, it is probable that nuclear strategy is being discussed.* Since nuclear war is a possibility, any conflict is seen as movement along a "continuum" towards the ultimate holocaust; therefore all war may be immoral since it contains the "readiness," or "seeds" or "acknowledgment" of the use of the ultimate evil weapon. However, as James T. Johnson, a noted just war philosopher, pointed out, this "collapsing of categories [of war] is . . . wrong historically. War in the nuclear age has not been global catastrophe, but a continuation of conventional warfare limited in one of several ways--by geography, goals, targets, means."¹ Thus, exaggerated reactions to the threat of total war, which work to raise standards of jus ad bellum, are based on a falsehood, that modern war is inevitably total, unlimited and disproportionate. That thinking renders attempts to justify war futile.

A second attack on jus ad bellum, linked to the first, is that Western standards of jus ad bellum have become dominated in the last century by humanitarian and individualistic (almost millennial) ideals which view the potential, "natural" state of man as peaceful, based on relationships "above" the dirty and amoral relationships of governments and nations. Thus, the tradition, particularly in the United States (where notions of man's innate equality, value, and brotherhood are part of our ethic), has shifted dramatically away from the

*See, for example, Morton A. Kaplan, et al., Strategic Thinking and Its Moral Implications (Chicago: University of Chicago Press, 1973).

presumption that a ruler or a nation may have an implicit right or need to wage war to survive or manipulate its international power ("political" justifications for war) to a strong presumption against all war as inherently immoral, since it inevitably involves death, suffering and destruction.

The tradition expresses this idea (as does international law) by branding as "criminal" any "aggressive" war. Only "defense" is justified, of an attack to right a truly heinous wrong. (Yet, note that no Western country went to the aid of the Ugandans Idi Amin slaughtered, or to "defend" the millions of Cambodians Pol Pot slew.) "Attacks" on the traditional jus ad bellum have had two notable consequences for American policy and strategy; serious confusion over the necessity of using U.S. armed forces in its foreign relations, and, most importantly from a moral standpoint, a tendency for American war decision standards to place U.S. policy values and armed forces in the position of conducting a war in an immoral fashion.

In the United States, practical use of the armed forces has become almost impossible to justify to American politicians and citizens, given fears of escalation to nuclear war and traditional American liberal abhorrence of violence. A free society is sensitive to the opinion of its most articulate thinkers and American thinkers naturally draw freely on American liberal traditions, which stress the rights of all

individuals to be free of coercion, whether excessive taxation, tyranny, or being "forced" by the military to wage war. Since the United States has been geographically secure for so long, there are few intellectual traditions (except the military) which view our country as threatened in the international arena. The nuclear threat is recent and not well assimilated into traditional distrust of government and other aspects of American liberalism. So, the practical effect of the new humanitarian standards of jus ad bellum is to hamstring American recourse to armed force, while America's enemies suffer much less restraint.

The world is seeing more and more low-intensity conflict, which the U.S.S.R. is obviously ready to exploit whenever it can. Yet Western and American jus ad bellum standards essentially are blind to qualitative differences among belligerents, drawing on American distrust of its own political system. Thus, both the United States and U.S.S.R. tend to be seen as "morally neutral" players of the international game.

Two noted just war philosophers who should receive attention from the U.S. military are Paul Ramsey and William O'Brien, both of whom have been able to stand back from extreme American positions and discuss American wars with objectivity. Their writings present a path for strategists back to the Western Just War Tradition as we struggle with the moral problems of modern conflict. In particular, Paul Ramsey wrote his monumental The Just War at the height of the

Vietnam War and argued objectively in the face of outrage from his contemporaries. He wrote in 1968:

It remains the case that no Christian and no man who loves an ordered liberty should conspire with communism in coming to power. . . . Then there arises an obligation to assist others in resistance to communism, . . . if there are actual alternatives. This political obligation disappears, of course, if it cannot be done.²

O'Brien wrote thirteen years later:

[It] is time to confront the fact that the main just cause in the world today is the defense of a people against the imposition of irreversible communist totalitarianism. . . . The problem in the literature and in the social teaching of the churches [major centers of the expression of American jus ad bellum] is that this fundamental fact of survival of a society as just cause is ignored or downplayed. Both legal and moral presumptions concerning recourse to war are addressed to anonymous states irrespective of their characteristics and, ironically, . . . of their justice. . . . [There] is no way that a responsible just-war analysis of just cause can avoid the character of the societies in conflict and the implications for human rights and dignity if one side subjugates the other.³

Neither of these writers wholeheartedly supported U.S. actions in Vietnam, and both found fault with the moral conduct of the war. Yet, their objectivity is apparent.

Excessively ideal standards of jus ad bellum act to undermine jus in bello standards in some complicated ways. Because Americans are idealistic, they tend to be a curious combination of pacifists and crusaders. The American, in Samuel Huntington's words,

either embraces war wholeheartedly or rejects it completely. This extension is required by the nature of the liberal ideology. Since liberalism deprecates the moral validity of [state security] . . . , war must be either condemned as incompatible with liberal goals [the jus ad bellum ideal] or justified

as an ideological movement in support of those goals [the result of the inevitability of the U.S. using force sometime, somewhere].⁴

Thus, in America, the pacifist and crusader may be the same man, since abhorrence of war leads to a psychological need to seek extreme justification when war seems necessary, or inevitable.

Neither tendency aids the military in its effort, since Americans are predisposed to blame the military in its war conduct. As Samuel Huntington wrote:

Liberalism is divided in its views on war, but it is united in its hostility to the military profession. . . . Both [the pacifist and the crusader] see the military profession as an obstacle to the achievement of their own aims. The pacifist views the professional military war as a warmonger. . . . The crusader views the professional soldier as a sinister drag upon the conduct of war, uninterested and unaroused by the ideals for which the war is fought.⁵

A strong tendency exists in United States intellectual and political thought to justify even limited war as ideally necessary, a "last resort," in "defense" of ultimate principles. U.S. leaders, both civilian and military, draw upon the nation's connection with the "moral high ground" of freedom, democracy, and the Judeo-Christian heritage, thus infusing the political rhetoric of its wars with crusading terms and justification. We fight wars to "make the world safe for democracy," "to end all wars," "to end the Red threat," "to win the hearts and minds," and, even in Grenada, "to protect the vital national security of the United States." Additionally, Americans, who have lived in a country free from the ravages of war for 120 years, expect

wars to be not only just, but brief and conclusive, to end in a clean "victory."

Both the popular and official government expectations of the Western democracies are that wars will be just, . . . brief, and . . . will conclude in victory . . . , an event achieved on the field of combat by means of the 'big push,' the 'last battle,' or the 'unconditional surrender.'"⁶

One can include General Westmoreland's unfortunate remark about the "light at the end of the tunnel." Some of the sources of our warfighting strategies are evident here.

Such attitudes about war, dysfunctional to some extent even in large wars where crusading terms against enemies like Hitler take on some relevance, have little bearing on the successful conduct of small wars. Paul Ramsey's and William O'Brien's comments about the justice of opposing communist destruction of a nation and a culture do not negate the idea that local wars must be fought within the parameters of local antagonisms and politics. For the United States to adopt a crusading stance is to tend to look for a "victorious event" that cannot occur because the enemy cannot be brought to ground or because the issues are too complex. Wise small war enemies of the United States will recognize, as did the North Vietnamese, and the Chinese and North Koreans in our two major limited wars, that time is on their side. The U.S. political system, war aims, and policy, and American attitudes towards world affairs are subject to predictable four- or five-year swings.⁷ In a contest of wills ("psychological attrition"), indigenous forces have the upper hand, since

small wars tend to be protracted and Americans impatient and idealistic.

To seek "victory," U.S. warfighting tends toward massive firepower (in concert with the conventional orientation of U.S. forces) to bring results. American attitudes towards how their forces fight as opposed to where or whether they fight are in essence the reversal of jus ad bellum standards. Americans will fight for high ideals, but once committed tend to accept extreme measures or means to achieve the idealistic ends. (In part, this attitude results from a desire to preserve American lives, as discussed in Section X.) In part, the attitude results from an interpretation of Clausewitzian and Napoleonic warfighting that implies that war has a "logic" of its own, a "grammar" that is a break from the normal intercourse of nations and peoples.

The transition from peace to war is a move from rationality and order to passion and the 'fog of battle.' Under these circumstances [jus in bello] . . . will have to be understood as a kind of category mistake--a pathetic attempt to apply moral reasoning in a situation which is precisely its antithesis.

Clausewitz would have been appalled at the idea that military forces could or should operate in a highly political, limited war without regard for the impact of military actions on the society for which and in which the contest was being waged. While he wrote that the introduction of "the principle of moderation into the theory of war itself would always lead to a logical absurdity" (emphasis mine), he was writing there about a philosophically pure, unreal concept of "War." Immediately before that comment, he wrote:

If wars between civilized nations are far less cruel and destructive than wars between savages, the reason lies in the social conditions of the states themselves and in their relationships to one another. These are the forces that give rise to war; the same forces circumscribe and moderate it. (emphasis mine.)⁹

Thus, logically as well as normatively, the Western Just War Tradition should "circumscribe and moderate" American war-fighting.

However, crusadic rhetoric and the overlying notion that we are fighting a "defensive" war against an "evil" enemy lead inexorably to the punitive use of massive force. We want to win quickly and insure the enemy is punished. This trend is fueled further by the loss of American conscript soldiers and the popularity of aggressive, action-oriented generals.¹⁰

Much of the responsibility for the moral problems of jus ad bellum justification for American intervention lies in the political and public arena, patently beyond the ability of any military leaders to alter significantly.* However, the conduct of war, fighting in accordance with jus in bello standards, is clearly the responsibility of the military professional, who understands the way his forces will fight and who

*For an excellent pre-Vietnam discussion of moral problems of American intervention, see Manfred Halpern, "The Morality and Politics of Intervention," Kenneth W. Thompson, ed., Moral Dimensions of American Foreign Policy (New Brunswick, NJ: Transaction, 1984), pp. 75-104. The historical perspective gained by studying Halpern's evaluation of American intervention in Cuba, Laos, and, especially, in Lebanon is particularly valuable in clearing away the emotional criticism of the Vietnam intervention and in seeing the small role of military decision-making in judging the morality of intervention.

is instrumental in forming the strategy that dictates the way the war is run.

Given the confusion of the current debates over jus ad bellum, the stability of the United States democratic system and the complexity of American alliances, treaties and international responsibilities, it is not sensible, maybe impossible, to ask military professionals to worry about jus ad bellum, the "justice" of the war they may be fighting. Even as inflamed as public opinion over Vietnam became, both Ramsey and O'Brien concluded that U.S. intervention was probably justified and the war a "just war"; their evaluations of its conduct are more condemnatory. Other analysts, notably Michael Walzer, the most popular contemporary analyst, disagreed and took the standard line that the United States waged an aggressive war. Jus ad bellum considerations are mostly beyond the control of military leaders, yet those leaders are morally bound to consider the impact on jus in bello of American intervention. Thus, they should advise the secretaries and the President of the probable moral outcome of using American forces, and they should seek to mitigate the effects noted in Sections III, IV, and V. Traditional American jus ad bellum beliefs are difficult to reconcile with any small, protracted war, and the consequences of public perceptions of immoral U.S. belligerency, whether ad bellum or in bello, will drastically reduce the ability of U.S. forces to act effectively.

In summation, the Just War Tradition has been undermined in the 20th century, rendering war more difficult to justify under any circumstances for the United States. At the same time, conduct in war has become more brutal than it had been. Jus ad bellum, at least for the United States, doesn't allow for the justification of pragmatic uses of armed force and, paradoxically, jus in bello standards have suffered.

SECTION VII

INTERNATIONAL LAW AND SMALL WARS

The most obvious, but not the most important, articulation of the Just War Tradition is in international law, and specifically for the United States armed forces, in those agreements, convictions, and protocols the United States has signed. The law is not equivalent to the Tradition, since all law, but especially international law, results from compromises reached by long debate and colored by differences in perception, culture, and power bases. Law is a necessarily limited interpretation of the Just War Tradition. Clausewitz discounted international law with this comment: "Attached to force are certain self-imposed, imperceptible limitations hardly worth mentioning, known as international law and custom, but they scarcely weaken it."¹

Law indeed does not have much effect in restraining military of force. The "natural" tendencies of a people to infuse their actions with regard or disregard for the suffering of those who lie within the scope of their military actions has greater force in limiting the undesirable effects of war. Tradition and force structure have even more weight. Yet the international law of war, most of it developed in the 19th and 20th centuries, has not been an inconsequential force for mitigating the unnecessary horrors of war. Geoffrey Best, a noted analyst of the international law of war, thought that it has had a softening effect on all wars

since the 18th century, that it had done nothing but good and in no way has impaired the effectiveness of military forces.² He also noted the almost universal tendency for military professionals and military writers and historians to ignore or resent the "intrusion" of law into their "domain," as if it hampered their right to wage war as they saw fit, or represented the efforts of meddlesome amateurs.³ Their resentment was ironic, for the initial efforts of the conferences that gave birth to the contemporary law of war all were directed at lessening the sufferings of soldiers, not noncombatants.

It is easy to forget that the law of war began in an age when warfare had relatively little effect on civilians. In our age, it is the norm that entire populations have been targets for military forces, but the set-piece battlefields and short-range weapons automatically restricted most of the effects of war to the soldier. To understand the place of international law in the ambiguous moral climate the United States faces in today's small wars, it is helpful to review the history of the current law of war. The formation of law always has reflected the particular problems of the conflicts of an age, and therefore always tends to lag behind new forms of warfare or weapons. In the 19th century, Geneva Conventions in 1863 and 1864, largely motivated by the Red Cross, established guidelines for protecting and succoring the wounded after battle. In the 1860's and in 1899, agreements

to protect prisoners and establish ways to exchange them were formed.

WWII and the creation of nuclear weapons has produced a similar climate which may produce some useful guidelines, but the outlook is not promising. The 1949 Geneva accords dealt with the problems of WWII, of course, aggressive war as waged by Nazi Germany and Imperial Japan. Wars which favored the rights of resistance fighters over aggressive occupying forces and some attempts to establish POW status for irregular forces resulted. Clearly, the law was slowly taking into account that the lines between combatant and noncombatant were blurring, and that the right of a nation (jus ad bellum) to wage war was a problem. Nineteenth century law had been restricted to jus in bello issues. It seems clear that international law is weakest when it attempts to proscribe the major policy decisions of a sovereign state, as opposed to proscribing some of the minor actions of that state's forces in implementing policy.

As law has moved into the arena of jus ad bellum, it has become more difficult to create a consensus of international states. New kinds of wars, without declaration, clear boundaries or even clearly distinguishable belligerents, were occurring. The 1974-1977 Geneva Conventions struggled with these issues, without significant results. Most of the world's governments and "liberation movements" from Arab and African countries were represented. An accepted text did result, a remarkable achievement considering the complexity

of international relations, and the fact that over 100 delegations (many ignorant of the standing law of war) wished to express opinions (in six official languages) on the complex issues considered.⁴ Yet although the meetings began as an attempt to update the law for guerilla conflicts almost none of the results deal adequately with such conflict. As of March 1983, six years after the protocols were completed, only thirty-one states were parties to Protocol 1, twenty-five to Protocol 2, none of them the key military powers.⁵ The United States probably will not ratify the protocols, for many reasons.

That fact matters little, since the protocols are useless. The Third World delegates involved opposed any concept that would have legitimized the use of force by a major power in their arena, fearing that such concepts were "colonial." The conferences also assumed that the standing Geneva Conventions were acceptable, when it is apparent that they have been ignored largely because their provisions are irrelevant to the experience of most belligerents. Finally, even experts in international law are insensitive to the need for such new law, having failed even to do extensive preparatory research into the effectiveness of the law of war as it was applied to guerilla warfare earlier in the century.⁶

The issues the conference should have solved included the following: Who has legitimate authority to wage war, in an age filled with conflict waged by guerillas? Where does a losing regime lose its "competent authority" to wage war

against revolutionaries? Given the "ideological weapon" of modern Marxism-Leninism, used by Communist prisoners of war in Korea and against American prisoners in Korea and Vietnam, how should rules for treatment of prisoners be modified? Finally, given the blurring of combatant-noncombatant distinctions, how should combatants be marked and defined, and, should or can we have rules that protect full-time soldiers from part-time "civilians"?

Obviously, these are hard questions and only a few of the ones that could be asked; maybe they are unanswerable in terms of positive law. But U.S. forces cannot use this vacuum of law as an excuse to avoid attempting to answer them, for to do so is to invite strategic defeat and political and moral turmoil in the next small war. For law, as stated earlier, cannot effectively counter the moral course of events that will be started by official policy and strategy. As William O'Brien noted in example:

Whatever the military argument for the big-unit, search-and-destroy attrition strategy [in Vietnam] (and they remain substantial, given the political restraints on Westmoreland), most of the major just-war/limited-war dilemmas . . . [of the war] were engendered by that strategy. . . . [One] could initiate all kinds of checks on belligerent behavior within the workings of Westmoreland's forces, but the general character of the war and the normative and limited-war problems . . . [the strategy] would encounter were established from the outset.

International law will not solve the moral problems the United States will face in intervening in low-intensity conflict. We must prepare our own "law" in terms of developing ways to intervene in small wars (if we must intervene)

that insure compliance with American concepts of just war and justice in war.

SECTION VIII

THE "MORAL ADVANTAGE" OF THE INSURGENT ENEMY

International law is most applicable in a major conventional war, yet small wars could pit U.S. forces against a "guerrilla," literally a "small war" enemy, whether insurgent, revolutionary, terrorist, or criminal. Those "guerrillas" have distinct advantages in their fight against a powerful foe in terms of giving the appearance (albeit a false one) of fighting more justly. The harsh reality of small wars is that the moral onus will be almost entirely on the United States (and, to varying degrees, on her allies), both for jus ad bellum and jus in bello. This reality is ironic, for almost none of the reasons are normative; that is, the guerrilla's natural advantages are grounded almost wholly in perceptions rather than moral intent, true justice or actual consequences of or responsibilities for actions.

In jus ad bellum terms, the starting point for any evaluation of the "justice" of a war, the guerrilla "argues" easily by his very nature that he is fighting as a "last resort," since he is weak and is fighting usually against a regime who will not change fast enough or allow the guerrilla to share political power. His options are reduced to guerrilla warfare. On the other hand, the United States is obviously not bereft of options, since U.S. interests probably are only peripherally involved. The forty-year foreign policy of "containment" has a nice appearance of global application and

justification, but when it comes to losing American lives in a Third World nation, the immediate dangers and issues easily submerge the possible long-term dangers to U.S. security.

The overwhelming nature of U.S. military power, as noted earlier, overshadows all military aspects of the conflict, bringing forth a "David and Goliath" image that works to the detriment of U.S. interests to those who instinctively find appeal in the plight of the "little guy." It is difficult to argue that the United States is fighting as a "last resort." Again, the "problem" with modern standards of jus ad bellum is apparent; for a major power with a free society in "peacetime," the requirement to fight only as a last resort represents an almost insurmountable barrier.

The second jus ad bellum requirement is that war be conducted only by "legitimate authority." The two reasons for this standard are to prevent criminal groups from committing violence under a false "political umbrella," and to minimize human suffering and destruction by denying legitimacy to groups with little hope of attaining their war aims.

"Guerrilla" groups would seem to fall into both those categories in many instances. Who would have given North Vietnam much hope against the United States and a strengthened South Vietnam? In terms of legitimacy, the Tet offensive proved conclusively that the vast majority of South Vietnam's citizens were not advocates of the "revolution," even if it did not prove conclusively that they were staunch advocates of their own regime.

However, there is powerful sentiment in the world for "liberation movements," for several reasons. First, world politics have become permeated by Marxist-Leninist jargon, which gains legitimacy from the stability of the U.S.S.R. and the Warsaw Pact nations, and China. Second, Marxism-Leninism appeals to many of the world's poor as a logical path to political and economic freedom. Third, Marxism-Leninism has enjoyed since 1917 a wide popularity among the intelligentsia of Western nations. That popularity, combined with traditional American old-time "liberal" distrust of government, perpetuates a tendency to view the United States as a potential oppressor of "the world's poor," a nation seeking to maintain an illegitimate economic and political status quo.

Particularly is this tendency a problem when the U.S. is supporting a nondemocratic, weak, oppressive regime, which is all too likely in the Third World, where weak and inept governments still emerging from the colonial era often use harsh methods to maintain control. South Vietnam, South Korea and the Philippines are obvious examples. The United States therefore undercuts its "natural" moral advantage as the strongest free nation, while the guerrilla can argue to an eager worldwide audience that he is fighting a "people's war." The final jus ad bellum requirement, moral justification, can be seen to have been answered in the guerrilla's favor, too.

The moral onus remains in our court even when the United States finds itself supporting a guerrilla movement. The

regime we are helping to oppose may be autocratic, dictatorial, given to atrocities, a single political party--all of the traits of the worst regimes befriended by the United States--yet the tendency to ascribe moral rectitude to those opposing the United States remains, for all of the reasons above. Thus, in Nicaragua where the United States supports Contra rebels against a regime that seems in some ways worse than the Somoza regime, we see that U.S. support is opposed fiercely by many Americans. The United States and its guerrilla allies by association tend to be crippled by U.S. power; any use of force is easily defined as "aggressive," the most potent form of modern "unjust" war. It is important to remember that American tendencies to distrust the motives and rhetoric of their own government and military forces are not passing fads or phenomena born in the 1960's, but a logical expression of traditional American attitudes about mankind, political power and war.

In jus in bello areas, also, the guerrilla enjoys the appearance of righteousness. His weakness and habitual secrecy protect him from the intense public scrutiny U.S. forces and policymakers endure. The guerrillas, particularly traditional Marxist-Leninists, are skilled at and enabled by their covert nature to merge political and military goals and control almost every aspect of the "public war." In this way can their weakness and ideology combine to be a "moral" and strategic strength. William O'Brien preferred to call it the "Maost-Ho Chi Minh approach," and wrote:

[The] clandestine political organization . . . is firmly controlled by an executive central committee and characterized by extraordinary discipline. All policies are dictated by ideological imperatives applied . . . to the practical situations of the revolution, . . . [making] possible a nuanced blending of the coercive military as well as persuasive or reformist nonmilitary efforts.¹

Thus, extremely limited military means can be directed with sensitivity to maximize political ends. In contrast, and in addition to the other undesirable aspects of the U.S. conventional, apolitical approach to war noted in Section III, note the tendency of American forces to use tactical organizations to manage political issues. Morris Janowitz wrote that in both Germany and Japan after WWII,

military government was hampered because its organization had to conform to tactical military organizations, rather than to a political format, . . . [so that] particular localities . . . were successively managed by as many as four different military government units as tactical units passed through. . . . Each shift . . . produced confusion and the necessity to rebuild contacts with German personnel.²

This method of integrating U.S. forces into the political framework of a host nation by the happenstance of geographical location of tactical units remains to this day wherever U.S. forces are garrisoned. It is a system (particularly when units must move often, as in combat) seemingly designed to lose political advantage and control.

The events of any conflict in which U.S. forces participate will be scrutinized by a liberal and news-hungry press, and mistakes and the normal unpleasantness of war are likely to raise questions of proportionality and discrimination on the part of American forces. This process is natural and

inevitable when the armed forces of an open society fight against foes whose organization, planning and operations are largely secret, but the small war enemy often is adept at turning normal media reactions to war into a positive strategic weapon.

In Korea, U.S. forces were unable to understand or counter effectively the intense continuation by media and worldwide public opinion of an ideological "war" by Communist prisoners of war. Their efforts produced worldwide reaction to U.S. treatment of POW, which was not inhumane. Similarly, deliberate Communist lies alleging U.S. use of biological warfare produced a "worldwide movement condemning this alleged U.S. war crime . . . and the United Nations was obliged to conduct a major investigation."³ Inhumane, illegal, and cynical torture, deception and manipulation of American prisoners of war and the cruel withholding of information on the state of missing American servicemen by Communist enemies in Korea and still continuing from Vietnam are designed mainly to manipulate world opinion in the favor of U.S. enemies.

The ability of Communist enemies to use American attitudes about war, as embodied in celebrity critics of the Vietnam war, to turn world opinion against the United States revealed a skill in media warfare we cannot match under current conditions. The creation of what Guenter Lewy called a "veritable industry publicizing alleged [U.S.] war crimes"⁴ was fueled by deliberate North Vietnamese support and false statistics, which "found many Western intellectuals only too

willing to accept every conceivable allegation of wrongdoing at face value."⁵

That American forces did not often or regularly commit "atrocities," a term with a "certain mythical quality"⁶ that magnifies events and calls forth simplified analysis, strong emotions and polemics, is strategically irrelevant in this context. That major interest groups were persuaded or able to believe that they did was critical to public support for the actions of U.S. forces.

The larger question of the impact of media technology on the United States' ability to wage war today reaches even further into the moral problems of small wars. Morris Janowitz, writing about the Vietnam war in 1970, made a comment that could apply to any foreseeable U.S. conflict:

Rapid, up-to-the moment pictorial reporting of a typical fire fight and the resulting human carnage has served to depress enthusiasm for United States policies in Vietnam and to engender in many viewers powerful feelings of guilt, social distance, and loss of esteem for the military.

Responsible journalists of all media are quick to tell a concerned military professional that there is nothing to fear from responsible reporting of military actions; we military are an honorable profession with an honorable task. There are encouraging signs of the media and the military struggling to accommodate each other's perceptions and needs, which could bear fruit of increased trust and the better presentation of the military's "case" to the American people. However, the psychological impact of the real-time, true violence of war on a television-watching public needs close

study. It is worth asking whether Americans can watch a war and support it. There are other professions and tasks that are accepted as necessary and honorable but of which no person could stand prolonged visual exposure, such as undertaking, performing autopsies, forensic pathology, and even working in a slaughter-house. Daily television reportage of these activities would no doubt produce an interesting public response. Clearly, none of those activities involves moral issues as serious as those of warmaking, wherein men seek to destroy human life, and I am not arguing that media coverage of a situation requiring the informed consent of the American public should be stopped. Nonetheless, it seems possible that the media in this way may add to the apparent "moral advantage" of the guerrilla.

Finally, the question of true moral responsibility for collateral damage in war may be addressed. Noncombatant death and injury and property destruction are the most important issues in considering jus in bello and, surprisingly, responsible moral philosophers are united in blaming the guerrilla for the majority of collateral damage when conventional forces fight against a guerrilla enemy. As Paul Ramsey wrote:

[The] decision of the insurgents to conduct war by selective terror results in a situation in which a whole area is inhabited mainly by 'combatants' in the ethically and politically relevant sense that a great number of people are from consent or from constraint the bearers of the force to be repressed. . . . The insurgents themselves have enlarged the target it is legitimate for counterinsurgents to attack, so far as . . . discrimination is concerned.

. . . [It] is not the business of any moralist to tell the soldiers and military commanders . . . that [an effective counterinsurgency campaign] cannot be done in a morally acceptable way because . . . they have no legitimate military target. . . . [The] tragedy is that . . . [counterinsurgents] have an enlarged legitimate target because of the decision of the insurgents to fight the war by means of peasants.

Walter O'Brien and even Michael Walzer, who persisted in criticizing American intervention in the war as illegal and immoral, essentially agree in this issue.

When discriminatory targets are enlarged to include women, old men and children, the balancing jus in bello principle of proportion begins to carry much more weight, a fact military strategists and tacticians must understand. Here we see a root cause of the truth that low-intensity conflict requires more extensive use of political, not military, means. In a big war millions of truly "innocent bystanders" may be killed with little impact on the ability of belligerents to wage the war. Yet, it is ironic that when discriminatory barriers are lowered, adding many of the previous "bystanders" to the ranks of combatants, then the political and strategic costs of killing those people in large numbers begin to tell on the war effort. A "logical moral calculus" would argue the opposite; that is what the "military mind" would hope. But the reality is that U.S. forces are held to higher standards of proportionality at the same time their legitimate target has been enlarged as a consequence of the enemy's strategic choices.

The question of how to use and appear to use proportionate means in small wars is difficult for a conventional force. The mere presence of its large units and high-technology weapons systems appears to be "too much" for the task at hand. Collateral damage is a normal occurrence in war, but when most of it seems to result from the actions of U.S. forces, proportionality seems to have been violated. Finally, the small war enemy in his weakness must resort to forms of coercion, propaganda, and low-key combat operations that are easily seen as proportionate. Their scarcity, secrecy, and low level of destructive force are buried in the typical response of the counter guerrilla force.

It seems obvious that when U.S. forces are involved in a small war, it will be difficult to avoid what could be called a "dirty hands" syndrome. Many will think that our forces are acting in nondiscriminating or disproportionate ways, whether we are or not. Thus, we must prepare to counter or, more reasonably, mitigate those perceptions of wrongdoing, and prepare U.S. forces to maintain morale and discipline under somewhat of a moral "cloud."

SECTION IX

TERROR IN SMALL WARS

The problem of terrorism within the broad context of low-intensity conflict is a complex one. The term is not easily defined, implying as it does various concepts of inducing fear, indiscriminate killing, illegitimate belligerency, criminal activity or fanatic ideology opposed to humanitarian values. A very broad definition would encompass the attempt of a military force to induce psychological terror in another military force, but only a pacifist would call that "terrorism." Still outside the context of small wars is the concept that deliberately "bringing the war" to the enemy's population is a form of "terrorism," such as American and British "terror bombing" in WWII. Yet American strategists understand that direct attacks on a populace are not appropriate in limited war.

Inducing "terror" may be a deliberate goal of military forces or it may be an inadvertent consequence, or "side-effect," of their actions. Actions that seek to create terror are not a special type of warfare, but only a tactic within a larger context, whether the larger context is WWII and the "terrorist/tactician" is Curtis LeMay, or whether the context is a province in Vietnam and the "terrorist/tactician" is a Vietcong cadre seeking to intimidate villagers. It is important that the military strategist (not the police official) distinguish deliberate terror tactics and

even inadvertent terror from crime, for to say that a terrorist is a "criminal" may express our moral outrage, but it obscures the fact that the terrorist acts for political goals¹; hence, his violence is "warlike," although we may argue persuasively that it is also illegal, illegitimate and immoral. To understand small war terrorism and its relation to U.S. moral problems in small wars, it is necessary further to distinguish "small war terrorism" from "urban terrorism," despite a genuine blurring of the distinctions between them.

"Small war terrorism" itself has two components-- deliberate guerrilla acts designed to influence public opinion (internal and external) about the regime or the intervening power, and deliberate regime acts designed to counter public support for the guerrilla or to gain tactical information. The inadvertent terror consequent to the use of disproportionate massive firepower is not "terrorism," but it is an important component of the moral problem of terror in small wars.

The terrorist goals of the guerrilla are commonly understood to be two: undermine the confidence of the population in the ability of the government to maintain order, and elicit violent military reprisal by counter guerrilla forces. Guerrillas hope the attacks will cause collateral death and damage to the extent that people turn against the counter guerrilla movement. Regime goals are to regain or maintain political control through intimidation of guerrillas and

those who support them, and obtain information from coercion and torture.

As I pointed out in Section VIII, in small war terrorism the guerilla holds almost all of the cards. It is true that guerrillas portraying themselves as friends of "the people" with a mandate to fight must use extreme caution in applying terror tactics.

[There] is no direct connection between terrorism and guerrilla war; in fact, guerrillas must take special care not to antagonize the civil populace upon whom they depend for food, shelter, and moral support. There is, however, an indirect connection. . . . The guerrilla has no need to practice terrorism, for he can get the counterinsurgents to do it for him. By failing to clearly distinguish himself from the civil population, he draws the (usually devastating) fire of the counterinsurgent upon them.²

Phillips went on to note that this conscious and immoral use of noncombatants as both shields and as "evidence" (when dead or maimed) of violations of jus in bello doubles the guilt the guerrilla bears.

Act so as to draw the fire of the counterinsurgent upon civilians, then say to them and to the world, 'Behold the slaughter of the innocents.' The counterinsurgent will argue that the guerrilla has created these conditions, but the deed will have been done, and world opinion will register only the fact of dead women and children.³

The world will note the blame of those who pulled the trigger.

William O'Brien, in analyzing deliberate small war terrorism in Vietnam, specifically the torture and mistreatment of prisoners of war, laid the vast majority of blame at the feet of the South Vietnamese.

It appears that . . . torture and mistreatment of PWs by Americans were neither authorized nor condoned by responsible U.S. commanders. . . . The behavior of the South Vietnamese . . . appears to leave more serious questions. . . . I conclude that such torture, for which the United States, as original detaining power for a large portion of the PWs and as ally, shares responsibility with South Vietnam, depreciated⁴ from the jus in bello record of the United States.

It is true that much of the world's torture (and by extension deliberate terror in low-intensity conflict) is caused by established regimes, not guerrillas. Several of those regimes are allied with the United States, thus raising the ugly possibility that U.S. forces again will find themselves fighting for a people's "hearts and minds" alongside allied forces that use torture, mistreat prisoners, or regularly practice bloody reprisals.

Two questions can be asked: Are such tactics useful? And, regardless of their utility, what approach should U.S. policy and strategy adopt?

The evidence for the utility in a small war of terror on the part of the regime is not good; for the guerrilla it is much better. The regime as the established government must act in some way as a responsible representative of the people, not necessarily as a "democracy," but able in some way to insure a measure of prosperity and security. Yet Third World regimes often use widespread torture, imprisonment, and reprisals to repress dissent, actions which at least give the impression that the government opposes the well-being of the people for the good of a select few in power. Also, for the regime in power the short-term gains of

using terror tactics should be measured against the high probability that terror will prolong and intensify antagonisms in their nation, creating new problems that cannot be solved easily. Thus, even a guerrilla force which seems forced to use terror by its weakness and able to get away with it by its secrecy may reap dire fruit in the years to follow their success. Menachem Begin suffered a serious "credibility gap" when he reviled Arab terrorists, since he personally had employed terror tactics against the British. And the fierce hatred which motivates violent factions in the Mideast and helped bring down such users of terror as the Shah of Iran and "Baby Doc" in Haiti serve as good evidence that terror tends to exacerbate revolutionary antagonisms and breed more violent terror, escalatory trends that work against typical limited war goals.

More importantly for the United States than the question of whether the regime is acting responsibly is the impact on American public opinion of an image of repression and terror. The United States, for several obvious reasons mentioned in Section VI, cannot be successful in a small war by committing or associating itself with open, deliberate terror tactics. Even the moral problems of inadvertent terror via excessive collateral damage are potentially crippling. Surely no responsible military or political analyst could miss the disastrous potential of a strategy that used torture, indiscriminate bombings and murder. Even alliance with a regime using terror is strategically debilitating, as

O'Brien noted above. To impose U.S. humanitarian standards on a regime with different values, however, raises the problem of U.S. forces imposing themselves beyond the "helper" stage. Of course, in Vietnam, the opposite often was true; U.S. forces adopted unsavory practices to match the South Vietnamese, or refused to intervene against their terror tactics. Yet U.S. forces cannot work effectively with a repressive ally, and all allied belligerents must understand that fact early in the conflict. To do so requires that a moral "double standard" be accepted. O'Brien noted the problem of

the willingness of counterinsurgents to accept to their detriment a double standard under which they are expected to respect the full measure of the jus in bello applicable to revolutionary/counterinsurgency wars while accepting the prospects of serious and widespread violations of that law by the revolutionary belligerent. Despite its unfairness, acceptance of the double standard may be the best policy.⁵

Prudence seems to demand such a course; if it is strategically and morally unwise for Americans to use unrestrained conventional firepower, certainly it is also unwise to perform or accept terror tactics.

On the problem of guerrilla terrorism, it may be that some guerrilla forces have used extensive and relatively open terror tactics without regard for the theoretical backlash from "the people" that might be expected. In Vietnam, the extensive use of terror by the Vietcong in South Vietnam, resulting in thousands of deaths and injuries, at least threatened the assumption that the VC sought to legitimize a

mandate from "the people." Guenter Lewy, after careful and conservative analysis, estimated that in 1969 and 1970 civilian deaths and woundings from deliberate Communist terror attacks totaled nearly 58,000.⁶ Estimates of "government officials assassinated" (including priests, school teachers, social workers, agriculture officials, etc.) from 1957-1972 were nearly 37,000. (That number includes non-officials after May 1967; prior to that date the analysts estimated that for every official killed, four non-officials were killed.)⁷ Lewy estimated that from 1968-1972 only 20% of civilians deliberately killed by the VC were "government officials, policemen, members of the self-defense forces or pacification cadres."⁸

Although these terroristic and widespread actions were carried out in relative secrecy, it is certain that the VC could not expect the "moral support" of any "people" upon whom such coercion and terror were imposed. In fact, the civilians' refusal to "rise up and throw off the yoke of the American aggressor" during the Tet Offensive delivered a resounding defeat to any Communist hopes of a popular uprising. Why did these so-called "popular" forces resort to widespread terror? It is likely that dogmatic, cruel and cynical Communist methods of suppressing opposition combined with Eastern tensions between the relative value of human life and ideological fanaticism. Guenter Lewy wrote that the VC terror tactics "had a well-defined political purpose--to intimidate, sow a feeling of insecurity, and drive home the

point the GVN could not protect the people under its control."⁹

"Urban terrorism" is different from "small war terrorism" in some key ways that help explain the moral problems the United States faces today. Dozens of articles and speeches calling for a "strategy to end the terrorist threat" have whipped up an understandable search for appropriate and effective counters to "terrorism." Clearly, the call is to end hijackings, airport bombings, embassy bombings and machine-gunning of American tourists, not what is described above as "small war terrorism." Urban terror is a tactic used by various elements forming a loose worldwide network of groups seeking to accomplish several goals. Among these goals (not necessarily concurrent) are the creation of fear and uncertainty in the world's free and prosperous countries, and hence the forced loss of freedom and rights through increased police repression; the publicizing of the "cause" of certain downtrodden peoples; and a cynical bid for power by some factions.

Urban terror tactics are not tied to one geopolitical entity, as are small wars and, most importantly, military forces cannot be involved on a long-term basis in countering these tactics. Military forces may be the target of urban terrorists, as in West Germany today, but their tactics must be defensive. It is the responsibility of German police to actively counter such terror. In Germany today, and in most Western free nations, the extensive use of military forces in

a public counterterrorist role would result in widespread criticism, political backlash and public outrage.

There is evidence that some urban terrorism is directed and supported by radical Second and Third World regimes, such as Libya and Iran, against U.S. and other Western citizens and agencies. Professor Alvin Bernstein of the Naval War College, among others, argued that Iran has waged a successful war against the United States. He asserted that since "Iran controls these [various terrorist groups] and wields them as a weapon, . . . [it] must . . . be held responsible for their actions."¹⁰ He called for prompt, careful attacks against various military and quasi-military targets by U.S. air and naval forces in retaliation for each confirmed Iranian-directed terrorist act, the goal being to end the terrorism through making Iran pay too heavily in military wealth. The idea has merit, and reveals one area in which several American attitudes about war and justice may coincide with the high-tech conventional nature of U.S. forces to form a potent low-intensity conflict weapon.

A "clean," precise, and rapid attack by non-nuclear precision guided missiles, a remotely piloted vehicle or fighter-bombers against a purely military target, conducted while American public outrage following an incident is high, would stand a good chance of "passing muster." Such an attack could be just, brief, and "victorious." Yet opposition would be vocal and quick to fix its attention on any

collateral damage, such as the death of women and children in or near the camp bombed, or the death of noncombatant sailors manning the munitions or armaments ship sunk, etc. Violation of Iranian or Libyan airspace would involve acceptance by American leaders and public that a state of war on some level existed between the nations, raising fears of escalation and cries that the President was a warmonger who threatened world peace.

One danger in opposing terrorism with military force is that doing so tends to confer legitimacy on the terrorist. This problem may be acute in a domestic terrorist attack in the United States, because the use of military forces rather than police forces "acknowledges" that the terrorist is a "political enemy," not a "criminal." The terrorist may use such status to argue his cause, ask for POW status or fight extradition by seeking political asylum as a "political prisoner."¹¹ Similarly, military retaliation against a sponsor of state terrorism, such as Libya or Iran, might tend to legitimize the conflict and the official political rhetoric of the terrorists.

These situations do not fit the definition of a "small war." Rather, in these situations the U.S., "at peace," seeks unilateral, effective, direct, and morally sound retaliation against an open enemy using covert tactics on a worldwide basis. The nature of the terrorists' tactics indicates a critical difference between the two types of terrorism. The small war terrorist cynically or by military

necessity uses jus in bello standards against counter-guerilla forces. The urban terrorist, in a disturbing trend away from historical discrimination shown by terrorists and "anarchists" in assassinations and other political attacks, tends to argue that there are no noncombatants in the world; jus in bello is nonexistent. Any person may be a legitimate target, and "there is no such thing as terrorism anymore, since 'terrorism' can only be defined in terms of a distinction between combatants and noncombatants."¹² Phillips quoted George Habbash, of the Popular Front for the Liberation of Palestine: "'In an age of the revolution of peoples oppressed by the world imperialist system there can be no geographical or political boundaries or limits to the operations of the people's camp. In today's world no one is 'innocent.'"¹³

In the face of these heinous attitudes and the resultant actions designed as international media horror shows, U.S. attitudes about justice and war, American foreign policy and our conventional forces seem unable to respond coherently and effectively. One issue is clear, however, to strike a short path out of a dark topic; U.S. military forces cannot unilaterally form or implement a strategy to counter the threat, except to remain prepared to use their technology and worldwide reach to strike as cleanly and quickly as possible. Civilian leaders must consider each unique situation and weigh the consequences of using violence. It seems obvious

that U.S. leaders cannot hope to use the military against these radical regimes in a prolonged attack.

In summary, U.S. strategists must approach small war terrorism as a component of the ambiguous moral climate of small wars. Guerrilla terror must not be allowed to breed retaliatory terror; restraint of military force and long-range political strategies are appropriate responses. The relationship of the United States with an ally in a small war must be based on the understanding that the American public and political process cannot provide long-term support for an ally who uses deliberate terror. On the other hand, urban or international terrorism may be responsive to selective use of U.S. military force against the radical states sponsoring the terrorist groups. However, the deep hatreds and political complexities of many of the areas spawning terrorist groups probably will continue to spawn "negotiations" with the rest of the world via terror tactics.

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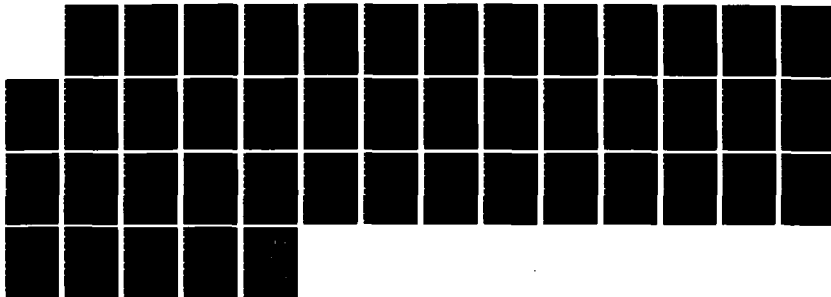
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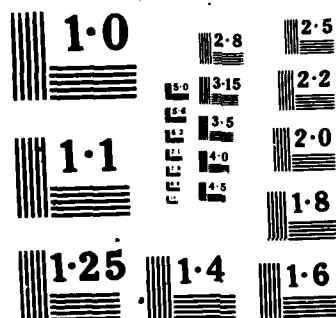
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SECTION X

MORAL VALUES IN SMALL WARS

Implicit in much of the above discussion has been the issue of moral values and how to apply them in the ambiguous circumstances of small wars. Their application in the conventional wars of Western civilization occupied philosophers and lawmakers for well over a millennia; now, international relations and tensions are changing at an alarming rate, far faster than American society can reinterpret its moral traditions. The extremities of nuclear war and urban terrorism have sung a "swan song" which has diverted the attention of philosophers and other moral analysts and strategists from the more pressing and less extreme moral issues of small wars.

Many argue that moral values do not apply universally, that circumstances change the moral force of our values. Absolutists would argue differently, yet most people and certainly most military thinkers are not absolutists and recognize that the effective application of morality requires a continuous analysis of the situation. This question of evaluating circumstances and facing different moral value systems raises several issues in war: How do American moral values react when faced with different moral value systems of other belligerents? Can American moral values apply to belligerents of radically different cultures or races? And, how do American values apply in different types of war?

The first problem is usually presented as some form of "moral relativism." One hears the argument that different moral values or activities on the part of the enemy in some way entitle or force us to abandon traditional American values, in retaliation or reprisal, or to extract "justice" or vengeance. The argument may be expressed as the simple comment that there are not, nor can there be, "rules" in war. That is, since their values are different, ours are invalid, or voided, or inapplicable, and we should adopt their less humanitarian values. Implicit also in the argument may be the idea that it is strategically dangerous to maintain our values, and strategically wise to "fight dirty." This problem is part of the issue of establishing a moral "double standard" between U.S. and small war enemy forces.

Where U.S. forces face an enemy who disregards the international law of war (admittedly laws inapplicable or impossible to apply in many cases), and who disregards the Western Just War Tradition as well, we perceive that the "game" of war has developed new "rules." To the extent the enemy ignores law and Western values, the rules have changed. Yet war is not a card game; it is quite easy to imagine belligerents fighting with all sorts of different standards and rules. To adopt non-Western values in war may be morally repugnant to American citizens and, more immediately, to the American citizens fighting the war. As noted in Sections VI and IX, the strategic reasons to adhere to Western values may be compelling. The recent political and public furor touched

off by the inclusion in an obscure CIA manual of an ambiguous recommendation that could be interpreted as recommending assassination proved the point, once again.

International law has and still does authorize "reprisals," which is termed in U.S. Army Field Manual 27-10, The Law of Land Warfare, a "remedial action" in the event of a violation of the law of war. Reprisals may not be vengeful, or actions which violate the most serious of Western moral values, however. In the manual, reprisals are defined as

acts of retaliation in the form of conduct which would otherwise be unlawful, resorted to by one belligerent against enemy personnel or property for [illegal] acts of warfare committed by the other . . . 1' for the purpose of enforcing future compliance. (Emphasis added)

Further, reprisals "against the persons or property of prisoners of war . . . and civilians are forbidden."² Thus, torture of American POW cannot be retaliated against with torture. Execution cannot be retaliated against with execution of helpless people, POW or civilian. William O'Brien and other moral philosophers agree, in terms notably moral, strategic and American rather than legalistic:

[It] will not do to reject just-war prescriptions on the grounds that they are self-imposed, one-sided restrictions not observed by enemies. This may very well be true at times, but the individual and society that wants to live with its own conscience must impose upon itself and accept such restrictions regardless of the behavior of others.³

There may be short-term tactical benefits to be gained from torture and murder, but as moral and strategic problems are magnified in a small war by use of excessive firepower, the long-term strategic and moral impact of acting immorally

almost certainly will be detrimental. Rather than refer to "moral relativism," we should refer to "moral disjunction," acknowledging the differences in values without the connotation that our values are invalid or irrelevant.

A second moral values problem is American "racism" coupled with traditional attempts to minimize losses of American lives. As noted earlier, by using massive firepower to minimize risk to American soldiers, U.S. forces tend to create excessive collateral damage, and unhinge warfighting from the political goals of the war. This tendency is exacerbated by a tendency to treat foreign peoples in war, friend or foe, with contempt, possibly because Americans think of Third World cultures as primitive or inferior. Especially in wars with and against Asians, U.S. forces have demonstrated a racist inability to understand allies or enemies, and have tended to fight "punitive" instead of "pragmatic" wars, leading to inappropriate strategies.

The modern roots of this racist approach to war can be found in WWII. Morris Janowitz noted a startling disparity in the approach of military strategists to the two theaters of war.

[In] regard to Nazi Germany, military commanders in Western Europe resisted the application of unconditional surrender and pressed for its modification . . . , even though . . . [SHAEP] political warfare experts were convinced that its modification would have little practical effect on military operations. It was . . . an expression of pragmatic managerialism. . . . The "absolutist" doctrine had much greater force in the war against Japan. The Far East Campaign showed more overtones of a punitive expedition, not only because of Pearl Harbor, but because of a strong sense of racial and traditional hostility toward the Japanese armed forces.⁴

Of the two enemies, the Nazis were certainly the most dangerous and morally repugnant, threatening not only the freedom of most of Western civilization, but more fundamental human values, as well. Extreme measures were called for in opposing Hitler. Yet the "practical managerialism" of military strategists struggling to stretch limited resources was given free vent. Against Japan, whose war aims were distinctly limited, "absolutist" values dominated, reflecting a deeper American sense of the moral repugnance of the enemy, as well as anger about Pearl Harbor. Some of the absolutist attitude can be attributed to the personal orientation of General MacArthur, who espoused punitive, total war throughout his leadership in WWII and Korea, but the phenomenon was present throughout the war effort. In Korea, American racism was reflected in the way American soldiers mistreated the civilian population, difficulties working with South Korean forces and dismay engendered by apparent Chinese disregard for the value of life.

In Vietnam, where we coined such culturally and politically insensitive terms as "gooks" and "slopes," for

the average American the Vietnamese were a mass of indistinguishable individuals with a way of life which was simultaneously inexplicable and repulsive. Under these circumstances the gathering of intelligence, the life blood of counterinsurgency, was stifled and the war lost from the very beginning.⁵

American cultural parochialism, paternalism and insensitivity can produce a moral values problem; "others" are often valued in war less than American soldiers.

Robert Tucker wrote before the Vietnam war about the relatively high regard of Americans for their own lives and the problems it could produce in war. Although Americans hold to humanitarian values,

in both doctrine and practice this nation has always assumed the validity of its own peculiar interpretation of the demands imposed by the principle of humanity. Perhaps more markedly than with other nations, that principle has been interpreted as having its principal application to those who must apply it and thence radiating outward with sharply decreasing intensity. With us the principle of humanity 'begins at home' and comes very close to staying at home, at least as far as the actual conduct of hostilities is concerned. For this reason, we have always been disposed to interpret the 'needless or unnecessary' suffering condemned by the principle of humanity largely as a moral sanction for measures whose purpose is designed to save American lives, whatever other effects they may have.

Unfortunately, the application of this American tendency works in inverse proportion to its affects along the "conflict spectrum." That is, in a large war where American security is threatened directly, commanders and the public consider American lives "well spent," yet in low-intensity conflict the loss of American life for local, obscure and limited gains cannot be reconciled easily with the perceived value of those lives. Much of the national "trauma" of the last decade over Vietnam demonstrated this problem. This principle combines with racial or cultural prejudice to blind American military leaders to the necessity of taking a generous view of their responsibility to minimize the death and suffering of all "participants" in the conflict.

The final moral values problem seems mundane, yet acts powerfully to limit effective intervention by the United States in a small war. In war a "sliding scale" of moral judgement applies, in which actions that would go unnoticed in one war elicit moral outrage in another, often without any logical reference to the law of war or the true moral context of the actions. William O'Brien discussed this phenomenon in jus ad bellum and jus in bello terms, indicating that it seemed that wars more easily justified in jus ad bellum terms, such as WWII and Korea, tend to be evaluated more leniently in jus in bello terms. Therefore, major jus in bello violations such as WWII area and incendiary bombing and conduct of the Korean War which "probably violated the principles of proportion and discrimination" were essentially unremarked in overall moral evaluations of American conduct. Yet, a war eliciting strong debate over jus ad bellum, and then as in Vietnam, lost, seems to bring much higher standards of jus in bello evaluations.⁷ He saw the danger in this approach, since such "a judgement seems to imply a sliding scale whereby a more just war in terms of ends may use more questionable means, whereas a less just war in terms of ends is required to adhere more strictly to jus in bello standards."⁸

Of course, the Vietnam war indicated that where a war is unpopular for whatever reason, critics will use both ad bellum and in bello arguments, which then "feed" on each other. Thus, if a war is "unjust," any action may be

immoral. The losses of American and Vietnamese life and property are perceived as unnecessary and tragic. Further loss of life and property, and the suffering caused by particular types of weapons, add to the "criminal" act of war, making the war even more unjust. And, so on. To some extent, this approach is natural and morally logical.

Clearly aggressive war, such as Hitler conducted, calls into question the moral standing of those who conducted the war. Can any military action in an unjust war be just? History answers in the affirmative, and moral philosophers say that jus in bello can operate and must operate, even in the ranks of an "aggressive" army. Otherwise, every German soldier in WWII would have been a potential war criminal, which is an absurd notion. However, the presumption of culpability does increase with rank. More important, the inapplicability of jus in bello in aggressive war would tend to make the war more destructive.

This problem foreshadows serious moral problems for U.S. strategists and forces. Americans are not logical or rational in this regard. The general acceptance of the horrible civilian losses caused by WWII city bombing contrasts too sharply with the intense public outrage brought about by President Nixon's extremely limited bombing of North Vietnam, which may have been instrumental in forcing enemy negotiators to meaningful talks. Despite heavy attacks by hundreds of B-52 sorties, only about 1400 (by North Vietnamese count) civilians were killed. Even severe critics of American

conduct of the war were surprised, as they were escorted around Hanoi to view the "atrocities," at how carefully limited, proportionate and discriminate the bombing had been.

Napalm became a subject of uninformed and irrational moral criticism in Vietnam. The outrage centered on American use of napalm. Critics argued that fire was an unnecessarily cruel and indiscriminate weapon, ignoring the fact that napalm was a legal weapon and that flamethrowers and napalm had been used and morally accepted in WWII and Korea. Media reports of isolated incidents and false allegations of radical "international" commissions investigating U.S. "war crimes" quickly elevated napalm into a virtual cause celebre. Yet "the impression created by critics . . . that many thousands of villagers and children were burnt by napalm is undoubtedly false."⁹ Guenter Lewy went on in a careful analysis of the effect of napalm to conclude that "exploding petrol lanterns" were probably a more frequent cause of serious burns.¹⁰

The legal action of the South Vietnamese government in evacuating noncombatants from heavily contested areas, thus creating the infamous "free-fire zones," is another example of the "sliding scale" at work. Critics reacted with charges that the United States was illegally creating refugees and moving population groups to enhance its "aggressive" control of a "subjugated" countryside, using a puppet government as cover. Reasonable interpretation of international law and the apparent intent of military leaders indicated that they

acted legally and had reasonable and even humanitarian goals: deny aid to the enemy (the classic counter guerrilla strategy of "removing the water from the fish"), clear the battlefield of noncombatants for their protection and to increase firepower latitude, and enhance the prestige of the South Vietnamese government by "making the people vote with their feet."¹¹ That the strategy failed did not make it immoral.

Paul Ramsey, in analyzing the intense outrage of anti-war critics, many of them respected public leaders, hit upon the deeper and darker implications of this "sliding scale" of moral judgement, which are that universal jus in bello standards are endangered over the long term by irrational and emotional attacks on military actions, and the establishment of unreasonable standards in a particular, unpopular war. He wrote that

no one should emulate or be swayed by public pronouncements that confuse and mislead public opinion by using an entirely false notion of the principle of discrimination. . . . The fact that the [23 Nov 1965 Call to the March on Washington for Peace in Vietnam in The New York Times] was signed by a number of leading intellectuals and ministers shows a breakdown of the tradition of justice in warfare that is almost without cultural parallel. When the leaders of public opinion show themselves not even to be within hailing distance of a discriminating understanding of the principle of discrimination, by using a notion of just conduct in war to which no war was ever supposed to conform in order to try to stop this one, then it is not surprising that in the present age some military leaders and analysts would use no notion of discrimination at all in the regulation of military action.¹²

This quotation sums up much of the problems the United States faces in small wars--jus ad bellum standards adversely affecting jus in bello, the distortion and power of American

public opinion, and pragmatic, amoral military approaches to war. All are wrapped up in the difficulty of interpreting moral values in war.

Once again, we see that supposedly high ideals of Americans may be manifested in illogical and emotional attacks on the use of military force in low-intensity conflict, with the potential result of causing even more suffering, since military leaders and strategists are placed on the defensive and deprived of valuable, meaningful public debate. Yet there can be, and must be, a consideration of moral values and moral consequences in small wars, based on solid Western values. American cultural and racial prejudices will remain, and so will American regard for American lives. The undesirable consequences of these American traits can be prevented only through military training designed to maintain discipline and restraint in ambiguous situations when units must operate under complex political control. American strategists and, especially, political leaders must carefully "count the cost" of spending American lives, especially when the conflict will be prolonged.

SECTION XI

CONCLUSIONS AND RECOMMENDATIONS

This discussion has concentrated on conflicts wherein conventional forces could be committed to fight, in order to "draw out" more of the moral issues. However, it is clear that many of the moral problems discussed probably will occur even with unconventional U.S. forces or if U.S. forces simply are present, as they were in Lebanon. Many of the sources of the problems in developing morally sound strategy for low-intensity conflict lie in such noncombat factors as civil-military relations or the clash of cultures. Generally, the sources of small war moral problems can be found in the nature of the conflict, the nature of the forces in the conflict, and the relationships among the various cultures and ideologies represented.

Morally speaking, all wars are not alike. To avoid moral problems, the internal differences among conflicts require individual, informed, and sensitive consideration. The internal issues of small wars define the relevant problems calling for solution. Failure to understand that fact and an American tendency to define conflicts in terms of American policy and ideology disengage policy and strategy from what is happening among the political and military forces. This insertion of foreign issues does more; it also changes the relations among local factions, frequently in ways that discourage compromise and the negotiations that de-escalate

and resolve small wars. Understanding the "scope" of the war, and tailoring the policy and the strategies, whether political, economic or military, to those parameters is critical to creating "restraint" and "sensitivity" in such a context. "Restraint" does not mean "less," "humanitarian," or "ineffective." It means "applicable," "relevant," "efficient," and "productive." To be "moral" in small wars is to be strategically wise, to demonstrate that one understands what the war calls for, not what worldwide policy or tradition mandate.

The type of war has a moral dimension from an international, or external, point of view, as well. The "morality of intervention" as an American foreign policy issue has received much commentary, usually in terms weighted substantially by considerations of global or regional strategy or nuclear thresholds. Such considerations are inevitable, and are key components of the public debate over the justice of American wars. Yet they cloud the local issues and misrepresent true American interests in the conflict; particularly does the nuclear threat do so.

In this sense only, U.S. military leaders need to "isolate" themselves from public debate and political pressures. They should not avoid civilian control or duck advising Secretaries and the President on the feasibility of using force. However, military leaders must understand clearly that to fight sensibly and cleanly is mostly their responsibility and within their control. American jus ad bellum may

be a serious foreign policy problem, one that detracts from the reasonable and valuable use of military force, but to abdicate responsibility for jus in bello compounds the problem of American intervention.

American traditions shape the way Americans approach war and the way their forces fight. It is unlikely that American liberal traditions will accommodate a more practical approach to war. They are what 200 years of history have made them. But the American military can change; it is an organization that can be molded, and quickly, as seen in each 20th century war. Despite the fact that military traditional values tend to shape force structure and strategy, genuine options exist that can change the way we will approach the current threat and future wars. We are doing so, now. Delta Force, the Light Infantry Division, and the Army's new low-intensity conflict doctrine are only three of many new ideas and approaches which seek to reorient military thought and structure to more realistic threats.

Yet, the "new" ideas are pygmies among the giants of NATO, weapons procurement, the Air Land Battle, the maritime strategy, and the Strategic Defense Initiative. These issues, and others like them, dominate the field. Compounding that domination, tremendous bureaucratic inertia and frequent reversals in political and organizational priorities (witness the Army's swing from a heavy-division NATO focus in the 1970's to the Light Infantry Division concept in recent

years) hinder effective concentration on the subtler issues of the most likely forms of combat facing U.S. forces.

The first two sources of small war moral problems, the nature of the specific conflict and the inability of American politics, policy and military force structure to scale themselves to that nature, combine powerfully with the third source of trouble, clashing cultural values. American regard for life is balanced by cultural prejudice to produce a tendency for U.S. forces to fight to minimize American casualties. Technology is used to distance and protect U.S. forces from combat. Political extremity, cultural values, ideological fervor and guerrilla tactics may cheapen further allied and enemy regard for noncombatant life and property. Further, a lack of clear U.S. policy goals, undefined political goals, strategic uncertainty, a lack of "rules" by which to fight, and the moral ambiguity normal to unconventional combat combine to form a moral climate in which U.S. forces will have difficulty maintaining their moral and strategic bearings.

American political and military power is a hindrance to effective intervention in small wars, on international, domestic and local grounds. Criticism at all three levels will use moral terms, some justified, some not. Therefore, it is probable that U.S. forces will be forced to fight with what will be perceived as "dirty hands." First, perception of the morality of their conduct will tend to be negative because of American attitudes about war and because of enemy

disinformation. Second, some combat operations will be questionable, since they will be fought in a truly ambiguous moral climate, and American strategists, tacticians and soldiers will be uncomfortable with some of their actions, in the best of circumstances. Yet it must be in the professional military mind that an "even moral keel" is maintained, because U.S. public opinion is easily distorted and manipulated, and political rhetoric is often self-serving and misleading.

There are several general areas in which the military can work to establish that moral keel--study of the problem, civil-military relations and reorientation of U.S. forces.

As a first recommendation, American strategists must study the problem further. To practice effective restraint, we must understand better what happens when free, industrial, and Western nations become involved in small wars. The study must separate jus ad bellum considerations from jus in bello, since they are in practice separate problems. What experience have other powerful Western nations had? The moral problems raised by French actions in Vietnam and Africa, by British wars in Malaya, the Mideast and the Falklands, Israeli-Arab conflicts and even U.S. and other allied problems with peripheral operations in WWII, could reveal patterns that indicate a generic Western problem. The relative success of the British in conducting small wars may indicate that the problem is one of military and political traditions rather than the clash of basic moral values.

The study of non-Western forces in small wars could be valuable, as well. What moral problems occurred when the Soviet Union suppressed dissent in Eastern Europe? How does totalitarian repression succeed or fail? Forty years of Soviet domination in East Europe seems to indicate that totalitarian methods can have some success in small wars. Finally, are there other "just war traditions" that we should understand before engaging them--"Eastern," tribal, religious or ethnic? Strategists must understand that these are military problems, which cannot be left to historians, anthropologists or moral philosophers.

A second set of recommendations lies in the area of civil-military relations. Policy is usually formed by civilian leaders, but strategy in all wars has been the result of military and civilian cooperation. Over twenty years ago, General Sir John Hackett wrote that the military professional's "function and duty . . . [were] the orderly application of armed force and to act as the true subordinate of the properly constituted authority."¹ Subordination, however, does not imply the relinquishing of responsibility for the consequences of strategy, or even of policy. As discussed above, the military bears the responsibility for the morality of war conduct; they must take an active role in producing limited, reasonable goals and strategy. Robert Osgood wrote that U.S. interests

must not be assessed only in terms of a general commitment to stopping the expansion of Communism or defeating Communist oppression. But intrinsic economic, political, and security interests and a

sober estimate of both the prospect of a local Communist victory--or, one must now add, the victory of any unfriendly country or faction--and its consequences for the broader balance of power with the Soviet₂ Union must also be taken into consideration.

Whether American political leaders have learned or long will remember that lesson remains to be seen. Vietnam, the loss of American influence in Iran, and a good bit of current anti-Soviet rhetoric indicate a high possibility of future intervention without due regard for the internal issues. Military leaders must educate their civilian leaders on the true limitations of U.S. force utility and the possible moral consequences of using U.S. forces, "pointing out to policymakers the link between atrocity and their actions, policies and rhetoric."³

Besides the creation of limited strategies to attain relevant and attainable goals, it would seem prudent to avoid the insertion of conventional U.S. forces. Sophisticated, high-tech forces have little business in primitive countries when the internal political situation is important. In a conflict with an enemy willing to fight, this recommendation calls for adequate military aid to an ally that will allow for true self-help. The emphasis must be on inserting non-combat U.S. Special Operation Forces--Civil Affairs, PSYOPS, public affairs, Judge Advocate General and military police--for training and direct assistance to allied forces. Combat special operations units should be used covertly or at a level beneath "intervention."

Military-media relations must improve. Military leaders must help the media understand how we think, why we act as we do, and what we need to do to protect national security. In so doing, we might learn about the media, to their benefit. Such efforts could evolve to the point that movement to U.S. intervention would represent a continuation of a process, not an ad hoc relationship which must contend with prejudice and misunderstanding.

Thirdly, we must begin orienting U.S. forces to fighting justly in small wars, which requires concentration on the issues of jus in bello--tailoring doctrine, forces and training to insure the best possible adherence to discrimination and proportion.

Senior military leaders should return to Morris Janowitz' 25-year-old recommendation that the United States develop a "constabulary force," which, he wrote,

provides a continuity with past military experiences and traditions, but . . . also offers a basis for the radical adaptation of the profession. The military establishment becomes a constabulary force when it is continuously prepared to act, committed to the minimum use of force, and seeks viable international relations, rather than victory. . . . The constabulary outlook is grounded in, and extends, pragmatic doctrine.

We have met squarely only one of those wise recommendations; we are continuously prepared to act. Korea, Vietnam and Grenada indicated that we are not committed to minimizing force, and to seek "viable international relations" implies understanding complex issues and avoiding overblown rhetoric. Ten years after he made that recommendation, during the late

stages of Vietnam, Janowitz had not found satisfaction in the development of U.S. military institutions towards those goals.

A clear understanding is required by both the military professions and political leadership of the potentials and limits within which force . . . has come to operate, and the political consequences of every military act or intent. Mechanical thinking about force levels and logistics must give way to realistic analysis.⁵

Low-intensity conflict doctrine must continue to develop. The realities of joint services rivalry and different operational codes and traditions among the services must be minimized to establish a coherent joint doctrine for special and conventional operations in small wars. The Joint Chiefs of Staff should advise the Secretaries and the President from a common low-intensity conflict doctrinal base.

Military doctrine must be tuned to conform to the realities of low-intensity conflict. It may be useful to begin doctrinal and force structure changes by considering the small-war enemy as like a "criminal," and effective counterrevolutionary/guerrilla/ insurgency forces as "police" or constabulary forces.⁶ The situation approximates that facing police in significant ways. The policeman is a professional, uniformed security official who uses extremely restrained deadly force against a nonprofessional, unsavory and ununiformed enemy hidden among a population whose good will, lives and property the force must preserve. Current U.S. doctrine orients military forces to face other uniformed "warriors," who fight by similar techniques and rules, and

against whom it is "legitimate" to direct essentially unrestrained violence. Although the roots of the professional soldier's frustration when facing a constabulary situation are plain, the police officer operates successfully under considerably more restraint than that usually required in a small war. Yet, conventional strategists will tend to remain unresponsive to the need for restraint because of the rhetoric of the war, their professional traditions and the forces' training and organization.

In terms of changing force structure to meet new doctrine, more careful structuring of Special Operations Forces would be useful in small wars. More than the combat Special Operations Forces which get most of the publicity, doctrinal development and money, less glamorous forces should be brought on active duty, such as PSYOPS units, Civil Affairs units (which have doctrinal responsibility for advising commanders in how to fight humanely in a given situation)⁷, Judge Advocate General units, Engineers and Military Police. Skillful use of these forces could have a positive impact on noncombatants, undermine enemy sources of antagonism and support, and help strengthen a Third World ally and aid its war aims.

These recommendations are not intended to suggest that there is no role for conventional forces in low-intensity conflict. Clearly, there can be. In Vietnam, there was a conventional aspect of the war. But the presence of conventional enemy forces cannot blind the U.S. forces to the

limitations of usefulness of their power and the moral and strategic dangers in stepping over those limits. Nor are these arguments designed to present the idea that unconventional capabilities are the "answer" to "moral success" in small wars. Such forces could be sent to intervene in obscure conflicts for unrealistic war aims just as conventional forces could be.

As an extreme force-structure solution, military leaders should pursue the idea of creating a separate low-intensity conflict force, or a unified command with sole responsibility and operational control of adequate forces for such conflicts. Doctrine and training could be concentrated where needed, without inordinate competition with conventional interests. There are obvious budgetary and bureaucratic power base problems with such an idea, yet the benefits of avoiding the joint rivalries and overwhelming conventional orientation of the current force structure are attractive.

Finally, the professional military must revamp military education, training and career development. One interpretation of an effective, "morally capable" constabulary force is a force prepared for the special pressures of small wars--trained to use restrained firepower, understand local issues and languages, politically sensitive (domestically and internationally), able to conduct the war without high-tech, high-power weapons systems, and trained to sustain high morale, discipline and cohesion under the extended pressure of public criticism, cultural disjunction, restraint and casualties.

Most critical in this area are the education and development of officers, for they carry traditions and shape and direct forces in peace and war. Officers at all levels must understand the moral issues of small wars, or the force will blindly follow its predispositions.

The officer in the constabulary force is particularly attuned to withstand the pressures of constant alerts and tension. He is sensitive to the political and social impact of the military establishment on international security affairs. He is subject to civilian control, not only because of the "rule of law," but also because of self-imposed professional standards and meaningful integration with civilian values.

The responsible commander

must overcome some of the most prominent psychological and sociological patterns of military behavior to produce an instrument that he controls and uses in a manner responsive to the moral, legal, and policy prescriptions of his military and political superiors. If a nation's armed forces do not have such responsible commanders at the head of controlled, responsive commands, the nation does not have the kind of military instruments that can wage just and limited war, . . . [and] its recourse to war is morally and politically irresponsible. . . . [Commanders] who . . . make compliance with just-war/limited-war standards their highest priority . . . [are practicing] not fanciful idealism but the most quintessential realism.⁹

The education and development of such commanders requires some drastic changes. Janowitz also recommended that officers receive political training and gain experience outside of the services.¹⁰ Beginning with instruction at the service academies, ROTC and OCS, a sensitivity to the political, social and moral repercussions of using military force could be instilled in officers. Intermediate and senior

courses could build on this base, with centralized direction to insure doctrinal coherence and an even emphasis.

The problem of maintaining in the officer corps the ability to function in conventional war while reorienting to low-intensity conflict may be acute, especially in terms of how plans and orders are prepared and issued. As noted earlier, generalized mission-oriented orders tend to give too little guidance in complex situations requiring a restrained and measured application of force. The officer corps at least must be educated to understand the traditional tendencies of their forces to use massive firepower and the resulting undesirable consequences in small wars. Training courses and exercises emphasizing the use of Civil Affairs, Public Relations and Judge Advocate General advisor in assisting the commander to assess possible repercussions of military action would develop sensitivity in those who will issue the critical orders. Subordinates must be trained to understand the strategic wisdom of receiving orders that not only define mission, but which set strict limits on activities, civilian casualties and property damage.

Officer career programs should allow, possibly mandate, service tours with other government agencies (in and out of the DoD) or civilian institutions, so officers could broaden their viewpoints of the profession and U.S. policy and procedures.

Officer professional development must become a command interest item, with a focus on the civilian and military

traditions of the United States, and the way they have interacted with and upon past conflicts. In particular, commanders should at all levels assign officer and NCO professional development instruction to veterans of Vietnam; such a comprehensive "soul-searching" and sharing of experience is long overdue. Finally, officer duty patterns should be directed to allow time for introspection, reading and discussion. We cannot continue to allow our daily duties to keep us from thinking about how we will fight the next, most likely war.

For the rest of the force, some form of civil-military relations should be included in training at all levels, with an emphasis on two items: teaching how to fight with restraint and why it is important, and how to maintain discipline, cohesion and morale in small, dirty wars. Training exercises should include Special Operations Forces so that commanders and troops at all levels become used to their presence and to using their special skills. Training scenarios, in and out of formal schooling, should be realistic, including the problems of a "civilian" enemy, refugees, firepower restraint, political intervention into operational plans, and media visibility and pressure. These measures are not impossible to introduce, nor are they excessively complex. If they are, then we are admitting up front that we cannot respond effectively to the problems of small wars.

Soldier training should not concentrate on changing cultural values, which were set long before the serviceman or woman entered service. It is the behavior of a unit that

counts, not the ethnic, racial or religious prejudices of its various members. "The special ability of military subculture in shaping entrants of many backgrounds to set patterns of behavior is proverbial."¹¹ Units can be trained for these special pressures and problems, probably on a fairly large scale. But today's orientation, which downplays restraint, ignores potential enemy cultural differences and places a premium on minimizing American casualties, produces the opposite effect.

Dr. John Lovell noted in the keynote address to the 1982 Joint Service Conference on Professional Ethics that there are several factors which seem to argue against teaching ethics to soldiers. He pointed out that instilling military ethics may not enhance combat effectiveness; that the vagaries of American public opinion, as illustrated by the widespread support for LT Calley's actions and attitudes at My Lai, do not present a coherent public call for moral behavior from their military; and that discrepancies between the rhetoric and the rationale of American foreign policy decisionmakers offers ambiguous moral justification for the use of American military forces.¹² However, he went on to argue forcefully for ethical training, and we have seen that each objection can be firmly refuted.

Fighting morally is fighting wisely in the small wars our soldiers may face. American public opinion may be fickle and may represent extremes of pacificism or callousness. Yet,

the balancing inertia of Western values of human life, compassion, and justice underlie all such considerations. Finally, the foreign policy decisions of our national leaders may use overblown rhetoric; they may be cynical or unwise. Often, they are of such complexity that their future consequences cannot be predicted. But those concerns are in the arena of jus ad bellum; the military bears responsibility for jus in bello, and that responsibility calls for developing effective ethical training. The profession of arms in the United States must develop its own warfighting "code of chivalry" tied to the goals of maintaining American values, strategic practicality, and unit discipline and morale in small wars.

All of these suggestions face serious obstacles--the inertia of a bureaucratic, budget-oriented military and opposing military and civilian traditions. They also raise the question of whether such a reorientation of American military forces, if possible, would alter the level of anti-Soviet deterrence or seriously detract from our conventional war fighting ability. It would seem that neither danger is pressing. Soviet caution and ideological patience should legitimate continued American deterrence, and learning restraint and sensitivity to local issues should only make U.S. soldiers stronger and more effective warriors.

APPENDIX I

The Western Just War Tradition

Jus ad Bellum (War Decision Law)

- I. Last Resort: Exhaust all diplomatic remedies before resorting to war.
- II. Legitimate Authority: War may be authorized only by those having the right to commit a state to war.
- III. Just Cause: Only peace-seeking war for one of these reasons is authorized.
 - A. Defense against aggression.
 - B. Correction of a grievous injustice uncorrected by legitimate authority in another place.
 - C. Establishment or reestablishment of a social order that will distribute justice.

Jus in Bello (War Conduct Law)

- I. Proportionality: Amount of force threatened or used must be morally proportionate to the ends being sought in the war. The ends sought must be reasonably attainable; the cause must not be hopeless.
- II. Discrimination: Noncombatants and their property may never be intentional objects of attack. When it is apparent noncombatants may be harmed, the military action must be intended for morally good consequences, the harm must be purely a side effect, and the harm must be outweighed by the good results of the action (furthering a just war end).

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